



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

	Attempt by life-con- vict to murder, if hurt is caused.	May arrest without war- rant.	Warrant	...	
308	Attempt to com- mit culpable homi- cide	Ditto	...	Ditto	...
	If such act cause hurt to any per- son.	Ditto	...	Ditto	...
309	Attempt to com- mit suicide.	Ditto	...	Ditto	...
311	Being a thug.	Ditto	...	Ditto	...

The pocket Criminal procedure code

India

Bd. Jan. 1904



HARVARD LAW LIBRARY

Received

Dec. 26, 1906

India. Laws, statutes, etc.
Codes, Criminal
procedure
THE
POCKET of
CRIMINAL PROCEDURE CODE.

CONTAINING ALSO

The Indian Penal Code, The Police Act,
The Prisoners' Act, The Prisoners'
Testimony Act, &c. &c.

[WITH AMENDMENTS UP TO MAY 1889.]

CALCUTTA;

PRINTED AT THE SECULAR PRESS,
BHOWANIPORE.

1889.

IN
393
E89

Ind
132
879.3

Rec. Dec. 26, 1906

CONTENTS.

—:0:—

	Page
I. The Code of Criminal Procedure (Act No. X of 1882.)	1
II. The Criminal Procedure Code Amendment Act (Act No. III of 1884.)	497
III. The Criminal Procedure Code Amendment Act (Act No. X of 1886.)	505
IV. The Criminal Procedure Code Amendment Act (Act No. V of 1887.)	521
V. The Police Act (Act No. V of 1861.)	523
VI. The Police Act Amendment Act (Act No. VII (B.C.) of 1869.)	541
VII. The Police Act (No. III of 1888.)	545
VIII. The Indian Penal Code (Act No. XLV of 1860.)	547
IX. The Indian Penal Code Amend- ment Act (Act XXVII of 1879.)	785
X. The Indian Penal Code Amend- ment Act (Act No. XIX of 1872.)	790
XI. The Indian Penal Code Amend- ment Act (Act No. VIII of 1882.)	791
XII. The Prisoners' Act (Act No. V of of 1878.)	739
XIII. The Prisoners' Testimony Act (Act No. XV of 1869.)	809
Index to the Code of Criminal Procedure.	

THE CODE OF CRIMINAL PROCEDURE, 1882.

ARRANGEMENT OF SECTIONS.

PREAMBLE.

PART I.

PRELIMINARY.

CHAPTER I.

SECTIONS.

1. Short title.
Commencement.
Local extent.
2. Repeal of enactments.
Notifications, &c., under repealed Acts.
3. References to Code of Criminal Procedure and other repealed enactments.
Expressions in former Acts.
Interpretation-clause.
Words referring to acts.
Words to have same meaning as in Penal Code.
5. Trial of offences under Penal Code.
Trial of offences against other laws.

SECTIONS.

PART II.CONSTITUTION AND POWERS OF CRIMINAL
COURTS AND OFFICES.**CHAPTER II.****Of the Constitution of Criminal Courts and
Offices.***A.—Classes of Criminal Courts.*6. **Classes of Criminal Courts.***B.—Territorial Divisions.*7. **Sessions Divisions.**

Districts.

Power to alter Divisions and Districts.

Existing Divisions and Districts maintained till altered.

Presidency-towns to be deemed Districts.

8. **Power to divide Districts into Sub-divisions.**

Existing Sub-divisions maintained,

*C.—Courts and Offices outside the Presidency-towns.*9. **Court of Session.**10. **District Magistrate.**11. **Officers temporarily succeeding to vacancies in office
of District Magistrate.**12. **Subordinate Magistrates.**

Local limits of their jurisdiction.

13. **Power to put Magistrate in charge of Sub-division.**

Delegation of powers to District Magistrate.

14. **Special Magistrates.**15. **Benches of Magistrates.**Powers exercisable by Bench in absence of special
direction.16. **Power to frame rules for guidance of Benches.**17. **Subordination of Magistrates and Benches to District
Magistrate ;**

to Sub-divisional Magistrate.

Subordination of Assistant Sessions Judges to Sessions
Judge.*D.—Courts of Presidency Magistrates.*18. **Appointment of Presidency Magistrate.**19. **Local limits of their jurisdiction.**

SECTIONS.

- 20. Bombay Court of Petty Sessions.
- 21. Chief Magistrate.

E.—Justices of the Peace.

- 22. Justices of the Peace for the Mufassal.
- 23. Justices of the Peace for the Presidency-towns.
- 24. Present Justices of the Peace.
- 25. *Ex-officio* Justices of the Peace.

F.—Suspension and Removal.

- 26. Suspension and removal of Judges and Magistrates.
- 27. Suspension and removal of Justices of the Peace.

CHAPTER III.

Powers of Courts.

A.—Description of Offences cognizable by each Court.

- 28. Offences under Penal Code.
- 29. Offences under other laws.
- 30. Offences not punishable with death.

B.—Sentences which may be passed by Courts of various Classes.

- 31. Sentences which High Courts and Sessions Judges may pass.
- 32. Sentences which Magistrates may pass.
- 33. Power of Magistrates to sentence to imprisonment in default of fine.
Proviso as to certain cases.
- 34. Higher powers of certain District Magistrates.
- 35. Sentence in cases of conviction of several offences at one trial.
Maximum term of punishment,

C.—Ordinary and Additional Powers.

- 36. Ordinary powers of Magistrates.
- 37. Additional Powers conferrible on Magistrates.
- 38. Control of District Magistrates' investing power.

D.—Conferment, Continuance and Cancellation of Powers.

- 39. Mode of conferring powers.
- 40. Continuance of powers of officers transferred.
- 41. Powers may be cancelled.

SECTIONS.

PART III.

GENERAL PROVISIONS.

CHAPTER IV.**Of Aid and Information to the Magistrates,
the Police and Persons making Arrests.**

- 42. Public when to assist Magistrates and police.
- 43. Aid to person other than Police-officer, executing warrant.
- 44. Public to give information of certain offences.
- 45. Village headmen, landholders and others bound to report certain matters.

CHAPTER V.**Of Arrest, Escape and Retaking.***A.—Arrest generally.*

- 46. Arrest how made.
Resisting endeavour to arrest.
- 47. Search of place entered by person sought to be arrested.
- 48. Procedure where ingress not obtainable.
Breaking open *zauana*.
- 49. Power to break open doors and windows for purposes of liberation.
- 50. No unnecessary restraint.
- 51. Search of arrested persons.
- 52. Mode of searching women.
- 53. Power to seize offensive weapons.

B.—Arrest without warrant.

- 54. When police may arrest without warrant.
- 55. Arrest of vagabonds, habitual robbers, &c.
- 56. Procedure when Police-officer deposes subordinate to arrest without warrant.
- 57. Refusal to give name and residence.
- 58. Pursuit of offenders into other jurisdictions,

SECTIONS.

- 69. Arrest by private persons.
Procedure on such arrest.
- 60. Person arrested to be taken before Magistrate or officer in charge of Police-station.
- 61. Person arrested not to be detained more than twenty-four hours.
- 62. Police to report apprehensions.
- 63. Discharge of person apprehended.
- 64. Offence committed in Magistrate's presence.
- 65. Arrest by or in presence of Magistrate.
- 66. Power, on escape, to pursue and retake.
- 67. Provisions of sections 47, 48 and 49 to apply to arrests under section 66.

CHAPTER VI.

Of Processes to compel Appearance.

A.—Summons.

- 68. Form of summons.
Summons by whom served.
- 69. Summons how served.
Signature of receipt for summons.
- 70. Service when person summoned cannot be found.
- 71. Procedure when receipt cannot be obtained.
- 72. Service on servant of Government or of Railway Company.
- 73. Service of summons outside local limits.
- 74. Proof of service in such cases, and when serving officer not present.

B.—Warrant of Arrest.

- 75. Form of warrant of arrest.
Continuance of warrant of arrest.
- 76. Court may direct security to be taken.
Recognizance to be forwarded.
- 77. Warrants to whom directed.
Warrant to several persons.
- 78. Warrant may be directed to landholders, &c.
- 79. Warrant directed to Police-officer.
- 80. Notification of substance of warrant.
- 81. Person arrested to be brought before Court without delay.

SECTIONS.

- 82. Where warrant may be executed.
- 83. Warrant forwarded to Magistrate for execution outside jurisdiction.
- 84. Warrant directed to Police-officer for execution outside jurisdiction.
- 85. Procedure on arrest of person against whom warrant issued.
- 86. Procedure by Magistrate before whom person arrested is brought.

C.—Proclamation and Attachment.

- 87. Proclamation for person absconding.
- 88. Attachment of property of person absconding.
- 89. Restoration of attached property.

D.—Other rules regarding Processes.

- 90. Issue of warrant in lieu of, or in addition to, summons.
- 91. Power to take bond for appearance.
- 92. Arrest on breach of bond for appearance.
- 93. Provisions in this chapter generally applicable to summonses and warrants of arrest.

CHAPTER VII.

Of Processes to compel the Production of Documents and other Moveable property, and for the discovery of persons wrongfully confined.

A.—Summons to produce.

- 94. Summons to produce document or other thing.
- 95. Procedure as to letters and telegrams.

B.—Search-warrants.

- 96. When search-warrant may be issued.
- 97. Power to restrict warrant.
- 98. Search of house suspected to contain stolen property, forged documents, &c.
- 99. Disposal of things found in search beyond jurisdiction.

C.—Discovery of persons wrongfully confined.

- 100. Search for persons wrongfully confined.

D.—General provisions relating to searches.

- 101. Direction, &c., of search-warrants.

SECTIONS.

102. Persons in charge of closed place to allow search.
103. Search to be made in presence of witnesses.
Occupant of place searched may attend.
E.—Miscellaneous.
104. Power to impound document, &c., produced.
105. Magistrate may direct search in his presence.

PART IV.

PREVENTION OF OFFENCES.

CHAPTER VIII.

Of Security for keeping the Peace and for Good Behaviour.

A.—Security for keeping the Peace on Conviction.

106. Security for keeping the peace on conviction.

*B.—Security for keeping the peace in other Cases and Security
for Good Behaviour.*

107. Security for keeping the peace in other cases.
108. Procedure of Magistrate, &c., not empowered to act under section 107.
109. Security for good behaviour from vagrants and suspected persons.
110. Security for good behaviour from habitual offenders.
111. Proviso as to European vagrants.
112. Order to be made.
113. Procedure in respect of person in Court.
114. Summons or warrant in case of person not so present.
115. Copy of order under section 112 to accompany summons or warrant.
116. Power to dispense with personal attendance.
117. Inquiry as to truth of information.
118. Order to give security.
119. Discharge of person informed against.

*C.—Proceedings in all Cases subsequent to order to furnish
Security.*

120. Commencement of period for which security is required.

SECTIONS.

- 121. Contents of bond.
- 122. Power to reject sureties.
- 123. Imprisonment in default of security.
 Proceedings when to be laid before High Court or
 Court of Session.
 Kind of imprisonment.
- 124. Power to release persons imprisoned for failing to give
 security.
- 125. Power of District Magistrate to cancel any bond for
 keeping the peace.
- 126. Discharge of sureties.

CHAPTER IX.

Unlawful Assemblies.

- 127. Assembly to disperse on command of Magistrate or
 Police-officer.
- 128. Use of civil force to disperse.
- 129. Use of military force.
- 130. Duty of officer commanding troops required by
 Magistrate to disperse assembly.
- 131. Power of Commissioned Military officers to disperse
 assembly.
- 132. Protection against prosecution for acts done under this
 chapter.

CHAPTER X.

Public Nuisances.

- 133. Conditional order for removal of nuisance.
- 134. Service or notification of order.
- 135. Person to whom order is addressed to obey, or show
 cause or claim jury.
- 136. Consequence of his failing to do so.
- 137. Procedure where he appears to show cause.
- 138. Procedure where he claims jury.
- 139. Procedure where jury finds Magistrate's order to be
 reasonable.

SECTIONS.

- 140. Procedure on order being made absolute.
Consequences of disobedience to order.
- 141. Procedure on failure to appoint jury or omission to return verdict.
- 142. Injunction pending inquiry.
- 143. Magistrate may prohibit repetition or continuance of public nuisances.

CHAPTER XI.

Temporary Orders in Urgent Cases of Nuisance.

- 144. Power to issue order absolute at once in urgent cases of nuisance.

CHAPTER XII.

Disputes as to Immoveable Property.

- 145. Procedure where dispute concerning land, &c., is likely to cause breach of peace.
Inquiry as to possession.
Party in possession to retain possession until legally evicted.
- 146. Power to attach subject of dispute.
- 147. Disputes concerning easements, &c.
- 148. Local inquiry.
Order as to costs.

CHAPTER XIII.

Preventive Action of the Police.

- 149. Police to prevent cognizable offences.
- 150. Information of design to commit such offences.
- 151. Arrest to prevent such offences.
- 152. Prevention of injury to public property.
- 153. Inspection of weights and measures.

SECTIONS.

PART V.**Information to the Police and their Powers
to Investigate.****CHAPTER XIV.**

- 154. Information in cognizable cases.
- 155. Information in non-cognizable cases.
Investigation in non-cognizable cases.
- 156. Investigation into cognizable cases.
- 157. Procedure where cognizable offence suspected.
 - a) Where local investigation dispensed with.
 - (b) Where Police-officer in charge sees no sufficient ground for investigation.
- 158. Reports under section 157 how submitted.
- 159. Power to hold investigation or preliminary inquiry.
- 160. Police-officer's power to require attendance of witnesses.
- 161. Examination of witnesses by Police.
- 162. Statements to Police not to be signed or admitted in evidence.
- 163. No inducement to be offered.
- 164. Power to record statements and confessions.
- 165. Search by Police-officer.
- 166. When officer in charge of Police-station may require another to issue search-warrant.
- 167. Procedure when investigation cannot be completed in twenty-four hours.
- 168. Report of investigation by subordinate Police-officer.
- 169. Release of accused when evidence deficient.
- 170. Case to be sent to Magistrate when evidence is sufficient.
- 171. Complainants and witnesses not to be required to accompany Police-officer.
Complainants and witnesses not to be subjected to restraint.
Recusant complainant or witness may be forwarded in custody.
- 172. Diary of proceedings in investigation.
- 173. Report of Police-officer.
- 174. Police to inquire and report on suicide, &c.
- 175. Power to summon persons.

SECTIONS.

176. Inquiry by Magistrate into cause of death.
Power to disinter corpse.

PART VI.

Proceedings in Prosecutions.

CHAPTER XV.

Of the Jurisdiction of the Criminal Courts in Inquiries and Trials.

A.—Place of Inquiry or Trial.

177. Ordinary place of inquiry and trial.
178. Power to order cases to be tried in different Sessions divisions.
179. Accused triab'e in district where act is done, or where consequence ensues.
180. Place of trial where act is offence by reason of relation to other offence.
181. Being a thug or belonging to a gang of dacoits, escape from custody, &c.
Criminal misappropriation and criminal breach of trust.
Stealing.
182. Place of inquiry or trial where scene of offence is uncertain,
or not in one district only ;
or where offence is continuing ;
or consists of several acts.
183. Offence committed on a journey.
184. Offences against Railway, Telegraph, Post Office and Arms Acts.
185. High Court to decide, in case of doubt, district where inquiry or trial shall take place.
186. Power to issue summons or warrant for offence committed beyond local jurisdiction.
Magistrate's procedure on arrest.
187. Procedure where warrant issued by subordinate Magistrate.

SECTIONS.

188. Liability of British subjects for offences committed out of British India.
Political Agent to certify fitness of inquiry into charge.
189. Power to direct copies of depositions and exhibits to be received in evidence.
190. "Political Agent" defined.
B.—Conditions requisite for Initiation of Proceedings.
191. Cognizance of offences by Magistrates.
192. Transfer of cases by Magistrates.
193. Cognizance of offences by Courts of Session.
Cases to be tried by Additional and Joint Sessions Judges;
by Assistant Sessions Judges,
194. Cognizance of offences by High Court.
195. Prosecution for contempts of lawful authority of public servants.
Prosecution for certain offences against public justice.
Prosecution for certain offences relating to documents given in evidence.
Nature of sanction necessary.
196. Prosecution for offences against the State.
197. Prosecution of Judges and public servants.
Power of Government as to prosecution.
198. Prosecution for breach of contract, defamation and offences against marriage.
199. Prosecution for adultery or enticing a married woman.

CHAPTER XVI.

Of Complaints to Magistrates.

200. Examination of complainant.
201. Procedure by Magistrate not competent to take cognizance of the case.
202. Postponement of issue of process.
203. Dismissal of complaint.

CHAPTER XVII.

Of the Commencement of Proceedings before Magistrates.

204. Issue of process.
205. Magistrate may dispense with personal attendance of accused.

SECTIONS.

CHAPTER XVIII.

Of Inquiry into Cases triable by the Court of
Session or High Court.

- 206. Power to commit for trial.
- 207. Procedure in inquiries preparatory to commitment.
- 208. Taking of evidence produced.
Process for production of further evidence.
- 209. When accused person to be discharged,
- 210. When charge is to be framed.
Charge to be explained, and copy furnished, to accused.
- 211. List of witnesses for defence on trial.
Further list.
- 212. Power of Magistrate to examine such witnesses.
- 213. Order of commitment.
- 214. Person charged outside Presidency-towns jointly with
European British subject.
- 215. Quashing commitments under section 213 or 214.
- 216. Summons to witnesses for defence when accused is
committed.
Refusal to summon unnecessary witness unless deposit
made.
- 217. Bond of complainants and witnesses.
Detention in custody in case of refusal to attend or to
execute bond.
- 218. Commitment when to be notified.
Charge, &c., to be forwarded to High Court or Court
of Session.
English translation to be forwarded to High Court.
- 219. Power to summon supplementary witnesses.
- 220. Custody of accused pending trial.

CHAPTER XIX.

Of the Charge.

Form of charges.

- 221. Charge to state offence.
Specific name of offence sufficient description.

SECTIONS.

- How stated where offence has no specific name.
- What implied in charge.
- Language of charge.
- Previous conviction when to be set out.
- 222. Particulars as to time, place and person.
- 223. When manner of committing offence must be stated.
- 224. Words in charge taken in sense of law under which offence is punishable.
- 225. Effect of errors.
- 226. Procedure on commitment without charge or with imperfect charge.
- 227. Court may alter charge.
- 228. When trial may proceed immediately after alteration.
- 229. When new trial may be directed or trial suspended.
- 230. Stay of proceedings if prosecution of offence in altered charge require previous sanction.
- 231. Recall of witnesses when charge altered.
- 232. Effect of material error.

Joinder of Charges.

- 233. Separate charges for distinct offences.
- 234. Three offences of same kind within year may be charged together.
- 235. I. Trial for more than one offence.
- II. Offence falling within two definitions.
- III. Acts constituting one offence, but constituting when combined a different offence.
- 236. Where it is doubtful what offence has been committed.
- 237. When a person is charged with one offence, he can be convicted of another.
- 238. When offence proved included in offence charged.
- 239. What persons may be charged jointly.
- 240. Withdrawal of remaining charges on conviction on one of several charges.

CHAPTER XX.

Of the trial of Summons cases by Magistrates.

- 241. Procedure in summons-cases.
- 242. Substance of accusation to be stated.

SECTIONS.

- 243. Conviction on admission of truth of accusation.
 - 244. Procedure when no such admission is made.
 - 245. Acquittal
Sentence.
 - 246. Finding not limited by complaint or summons.
 - 247. Non-appearance of complainant.
 - 248. Withdrawal of complaint.
 - 249. Power to stop proceedings when no complainant.
 - 250. Frivolous or vexatious complaints.
Recovery of compensation.
-

CHAPTER XXI.

Of the trial of Warrant-cases by Magistrates

- 251. Procedure in warrant-cases.
 - 252. Evidence for prosecution.
 - 253. Discharge of accused.
 - 254. Charge to be framed when offence appears proved.
 - 255. Plea.
 - 256. Defence.
 - 257. Process for compelling production of evidence at
instance of accused.
 - 258. Acquittal.
Conviction.
 - 259. Absence of complainant.
-

CHAPTER XXII.

Of Summary Trials.

- 260. Power to try summarily.
- 261. Power to invest Bench of Magistrates invested with
less power.
- 262. Procedure for summons and warrant-cases applicable.
Limit of imprisonment.
- 263. Record in cases where there is no appeal.
- 264. Record in appealable cases.
- 265. Language of record and judgment.
Bench may be authorized to employ clerk.

SECTIONS.

CHAPTER XXIII.

Of Trials before High Courts and Courts
of Session.*A.—Preliminary.*

- 266. "High Court" defined.
- 267. Trials before High Court to be by jury.
- 268. Trials before Court of Session to be by jury or with assessors.
- 269. Local Government may order trials before Court of Session to be by jury.
- 270. Trial before Court of Session to be conducted by Public Prosecutor.

B.—Commencement of Proceedings.

- 271. Commencement of trial.
Plea of guilty.
- 272. Refusal to plead or claim to be tried.
Trial by same jury or assessors of several offenders in succession.
- 273. Entry on unsustainable charge.
Effect of entry.

C.—Choosing a Jury.

- 274. Number of jury.
- 275. Jury for trial of persons not Europeans or Americans before Court of Session.
- 276. Jurors to be chosen by lot.
Proviso.
Existing practice maintained.
Persons not summoned when eligible.
Trials before special jurors.
- 277. Names of jurors to be called.
Objection to jurors.
Objection without grounds stated.
- 278. Grounds of objection.
- 279. Decision of objection.
Supply of place of juror against whom objection allowed.
- 280. Foreman of jury.
- 281. Swearing of jurors.

SECTIONS.

- 282. Procedure when juror ceases to attend, &c..
- 283. Discharge of jury in case of sickness of prisoner.

D.—Choosing Assessors.

- 284. Assessors how chosen.
- 285. Procedure when assessor is unable to attend.

E—Trial to Close of Cases for Prosecution and Defence.

- 286. Opening case for prosecution.
Examination of witnesses.
- 287. Examination of accused before Magistrate to be evidence.
- 288. Evidence given at preliminary inquiry admissible.
- 289. Procedure after examination of witnesses for prosecution.
- 290. Defence.
- 291. Right of accused as to examination and summoning of witnesses.
- 292. Prosecutor's right of reply.
- 293. View by juror or assessors.
- 294. When juror or assessor may be examined.
- 295. Jury or assessors to attend at adjourned sitting.
- 296. Locking-up jury.

F.—Conclusion of Trial in Cases tried by Jury.

- 297. Charge.
- 298. Duty of Judge.
- 299. Duty of jury.
- 300. Retirement to consider.
- 301. Delivery of verdict.
- 302. Procedure where jury differ.
- 303. Verdict to be given on each charge.
Judge may question jury.
Questions and answers to be recorded.
- 304. Amending verdict.
- 305. Verdict in High Court when to prevail.
Discharge of jury in other cases.
- 306. Verdict in Court of Session when to prevail
- 307. Procedure where Sessions Judge disagrees with verdict.

G.—Re-trial of Accused after Discharge of Jury.

- 308. Re-trial of accused after discharge of Jury.

H.—Conclusion of Trial in Cases tried with Assessors.

- 309. Delivery of opinions of assessors.
Judgment.

SECTIONS.

I.—Procedure in Case of previous Conviction.

310. Procedure in case of previous Conviction.

J.—List of Jurors for High Court, and summoning Jurors for that Court.

311. Jurors' book.

Exemption of special jurors.

312. Number of special jurors.

313. Lists of common and special jurors.

Discretion of officer preparing lists.

314. Publication of lists, preliminary and revised.

315. Number of jurors to be summoned in Presidency-towns.

Supplementary summons.

316. Summoning jurors outside the Presidency-towns.

317. Military jurors.

318. Failure of jurors to attend.

K.—List of Jurors and Assessors for Court of Session, and summoning Jurors and Assessors for that Court.

319. Liability to serve as jurors or assessors.

320. Exemptions.

321. List of jurors and assessors.

322. Publication of list.

323. Objections to list.

324. Revision of list.

325. Annual revision of list.

326. District Magistrate to summon jurors and assessors.

327. Power to summon another set of jurors or assessors.

328. Form and service of summons.

329. When Government or railway servant may be excused.

330. Court may excuse attendance of juror or assessor.

331. List of jurors and assessors attending.

332. Penalty for non-attendance of juror or assessor.

L.—Special Provisions for High Courts.

333. Power of Advocate General to stay prosecution.

334. Time of holding sittings.

335. Place of holding sittings.

Notice of sittings.

336. Place of trial of European British subjects.

SECTIONS.

CHAPTER XXIV.

General Provisions as to Inquiries
and Trials.

- 337. Tender of pardon to accomplice.
- 338. Power to direct tender of pardon.
- 339. Commitment of person to whom pardon has been tendered.
- 340. Right of accused to be defended.
- 341. Procedure where accused does not understand proceedings.
- 342. Power to examine the accused.
- 343. No influence to be used to induce disclosures.
- 344. Power to postpone or adjourn proceedings.
Remand.
Reasonable cause for remand.
- 345. Compounding offences.
- 346. Procedure of Provincial Magistrate in cases which he cannot dispose of.
- 347. Procedure when, after commencement of inquiry or trial Magistrate finds case should be committed.
- 348. Trial of persons previously convicted of offences against coinage, stamp-law or property.
- 349. Procedure when Magistrate cannot pass sentence sufficiently severe.
- 350. Conviction or commitment on evidence partly recorded by one Magistrate and partly by another.
- 351. Detention of offenders attending Court.
- 352. Courts to be open.

CHAPTER XXV.

Of the Mode of Taking and Recording
Evidence in Inquiries and Trials.

- 353. Evidence to be taken in presence of accused.
- 354. Manner of recording evidence outside Presidency towns.
- 355. Record in summons-cases, and in trials of certain offences by first and second class Magistrates.

SECTIONS.

- 356. Record in other cases outside Presidency-towns.
Evidence given in English.
Memorandum when evidence not taken down by the
Magistrate or Judge himself.
- 357. Language of record of evidence.
- 358. Option to Magistrate in cases under section 355.
- 359. Mode of recording evidence under section 356 or section
357.
- 360. Procedure in regard to such evidence when completed.
- 361. Interpretation of evidence to accused or his pleader.
- 362. Record of evidence in Presidency Magistrate's Courts.
- 363. Remarks respecting demeanour of witness.
- 364. Examination of accused how recorded.
- 365. Record of evidence in High Court.

CHAPTER XXVI.

Of the Judgment.

- 366. Mode of delivering judgment.
- 367. Language of judgment.
Contents of judgment.
Judgment in alternative.
- 368. Sentence of death.
Sentence of transportation.
- 369. Court not to alter judgment.
- 370. Presidency Magistrate's judgment.
- 371. Judgment to be explained and copy given to accused.
Case of person sentenced to death.
- 372. Judgment when to be translated.
- 373. Court of Session to send copy of finding and sentence to
District Magistrate.

CHAPTER XXVII.

Of the Submission of Sentences for Confirmation.

- 374. Sentence of death to be submitted by Court of Session.
- 375. Power to direct further inquiry to be made or additional
evidence to be taken.

SECTIONS.

- 376. Power of High Court to confirm sentence or annul conviction.
- 377. Confirmation of new sentence to be signed by two Judges.
- 378. Procedure in case of difference of opinion.
- 379. Procedure in cases submitted to High Court for confirmation,
- 380. Confirmation of sentence of Assistant Sessions Judge or Magistrate acting under section 34.

CHAPTER XXVIII.

Of Execution.

- 381. Execution of order passed under section 376.
- 382. Postponement of capital sentence on pregnant woman.
- 383. Execution of sentences of transportation or imprisonment in other cases.
- 384. Direction of warrant for execution.
- 385. Warrant with whom to be lodged.
- 386. Warrant for levy of fine.
- 387. Effect of such warrant.
- 388. Suspension of execution of sentence of imprisonment.
- 389. Who may issue warrant.
- 390. Execution of sentence of whipping only.
- 391. Execution of sentence of whipping, in addition to imprisonment.
- 392. Mode of inflicting punishment.
Limit of number of stripes.
- 393. Not to be executed by instalments.
Exemptions.
- 394. Whipping not to be inflicted if offender not in fit state of health.
Stay of execution.
- 395. Procedure if punishment cannot be inflicted under section 394.
- 396. Execution of sentences on escaped convicts.
- 397. Sentence on offender already sentenced for another offence.
- 398. Saving as to sections 393 and 397.

SECTIONS.

399. Confinement of youthful offenders in reformatories.
 400. Return of warrant on execution of sentence.
-

CHAPTER XXIX.

**Of Suspensions, Remissions and Commutations
 of Sentences.**

401. Power to suspend or remit sentences.
 402. Power to commute punishment.
-

CHAPTER XXX.

Of Previous Acquittals or Convictions.

403. Person once convicted or acquitted not to be tried for same offence.
-

PART VII.

Of Appeal, Reference and Revision.

CHAPTER XXXI.

Of Appeals.

404. Unless otherwise provided, no appeal to lie.
 405. Appeal from order rejecting application for restoration of attached property.
 406. Appeal from order requiring security for good behaviour.

SECTIONS.

- 407. Appeal from sentence of Magistrate of the second or third class.
Transfer of appeals to first class Magistrate.
- 408. Appeal from sentence of Assistant Sessions Judge or Magistrate of the first class
- 409. Appeals to Court of Session how heard.
- 410. Appeal from sentence of Court of Session.
- 411. Appeal from sentence of Presidency Magistrate.
- 412. No appeal in certain cases when accused pleads guilty.
- 413. No appeal in petty cases.
- 414. No appeal from certain summary convictions.
- 415. Proviso to sections 413 and 414.
- 416. Saving of sentences on European British subjects.
- 417. Appeal on behalf of Government in case of acquittal.
- 418. Appeal on what matters admissible.
- 419. Petition of appeal.
- 420. Procedure when appellant in jail.
- 421. Summary rejection of appeal.
- 422. Notice of appeal.
- 423. Powers of Appellate Court in disposing of appeal.
- 424. Judgments of subordinate Appellate Courts.
- 425. Order by High Court on appeal to be certified to lower Court.
- 426. Suspension of sentence pending appeal.
Release of appellant on bail.
- 427. Arrest of accused in appeal from acquittal.
- 428. Appellate Court may take further evidence or direct it to be taken.
- 429. Procedure where Judges of Court of appeal are equally divided.
- 430. Finality of orders on appeal.
- 431. Abatement of appeals.

CHAPTER XXXII.

Of Reference and Revision.

- 432. Reference by Presidency Magistrate to High Court.
- 433. Disposal of case according to decision of High Court.
Direction as to costs.

SECTIONS.

- 434. Power to reserve question arising in original jurisdiction of High Court.
Procedure when question reserved.
- 435. Power to call for records of inferior Courts.
- 436. Power to order commitment.
- 437. Power to order inquiry.
- 438. Report to High Court.
- 439. High Court's powers of revision.
- 440. Optional with Court to hear parties.
- 441. Statement by Presidency Magistrate of grounds of his decision to be considered by by High Court.
- 442. High Court's order to be certified to lower Court or Magistrate.

PART VIII.

Special Proceedings.

CHAPTER XXXIII.

Criminal Proceedings against Europeans and Americans.

- 443. Magistrates who may inquire into and try charges against European British subjects.
- 444. Sessions Judge to be an European British subject.
Assistant Sessions Judge to have held office for three years and to be specially empowered.
- 445. Cognizance of offence committed by European British subject.
- 446. Sentences which may be passed by provincial Magistrate.
- 447. When commitment is to be to Court of Session and when to High Court.

SECTIONS.

- 448. Trial of offences of which one is, and the others are not, punishable with death or transportation for life.
- 449. Sentences which may be passed by Court of Session.
Procedure when Sessions Judge finds his powers inadequate.
- 450. Procedure when Sessions Judge is not an European British subject
- 451. Mixed Jury for trial of European British subjects.
- 452. Trial of European British subject and Native jointly accused.
When Native may claim separate trial.
- 453. Procedure on claim of person to be dealt with as European British subject.
- 454. Failure to plead status a waiver.
- 455. Trial under this chapter of person not an European British subject.
- 456. Right of European British subject unlawfully detained to apply for order to be brought before High Court.
- 457. Procedure on such application.
- 458. Territories throughout which High Court may issue such orders.
- 459. Application of Acts conferring jurisdiction on Magistrates or Courts of Session.
- 460. Jury for trial of Europeans or Americans.
- 461. Jury when European or American charged jointly with one of another race.
- 462. Summoning and empanelling jurors under section 451 or 460.
- 463. Conduct of criminal proceedings against European British subjects, &c.

CHAPTER XXXIV.

Lunatics.

- 454. Procedure in case of accused being lunatic
- 455. Procedure in case of person committed before Court of Session or High Court being lunatic.

SECTIONS.

- 466. Release of lunatic pending investigation or trial.
Custody of lunatic
- 467. Resumption of inquiry or trial.
- 468. Procedure on accused appearing before Magistrate or Court.
- 469. When accused appears to have been insane.
- 470. Judgment of acquittal on ground of lunacy.
- 471. Person acquitted on such ground to be kept in safe custody.
- 472. Lunatic prisoners to be visited by Inspector-General.
- 473. Procedure where lunatic prisoner is reported capable of making his defence.
- 474. Procedure where lunatic confined under section 466 or 471 is declared fit to be discharged.
- 475. Delivery of lunatic to care of relative.

CHAPTER XXXV.

Proceedings in case of certain Offences affecting the Administration of Justice.

- 476. Procedure in cases mentioned in section 195.
- 477. Power of Court of Session as to such offences committed before itself.
- 478. Power of Civil and Revenue Courts to complete investigation and commit to High Court or Court of Session.
- 479. Procedure of Civil Court in such cases.
- 480. Procedure in certain cases of contempt.
- 481. Record in such cases.
- 482. Procedure where Court considers that case should not be dealt with under section 480.
- 483. When Registrar or Sub-Registrar to be deemed a Civil Court within sections 480 and 482.
- 484. Discharge of offender on submission of apology.
- 485. Imprisonment or committal of person refusing to answer or produce document.

SECTIONS.

486. Appeals from convictions in contempt-cases.
 487. Certain Judges and Magistrates not to try offences referred to in section 196 when committed before themselves.

CHAPTER XXXVI.

Of the Maintenance of Wives and Children.

488. Order for maintenance of wives and children.
 Enforcement of order.
 Proviso.
 489. Alteration in allowance.
 490. Enforcement of order of maintenance.

CHAPTER XXXVII.

Directions of the Nature of a Habeas Corpus.

491. Power to issue directions of the nature of a *habeas corpus*.

PART IX.

Supplementary Provisions.

CHAPTER XXXVIII.

Of the Public Prosecutor.

492. Power to appoint Public Prosecutors.
 493. Public Prosecutor may plead in all Courts in cases under his charge.

SECTIONS.

- Pleaders, privately instructed, to be under his direction.
 494. Effect of withdrawal from prosecution.
 495. Permission to conduct prosecution.
-

CHAPTER XXXIX.

Of Bail.

496. Bail to be taken in case of bailable offence.
 497. When bail may be taken in case of non-bailable offence.
 498. Power to direct admission to bail or reduction of bail.
 499. Bond of accused and sureties.
 500. Discharge from custody.
 501. Power to order sufficient bail when that first taken is insufficient.
 502. Discharge of sureties.
-

CHAPTER XL.

Of Commissions for the Examination of
Witnesses.

503. When attendance of witness may be dispensed with.
 Issue of commission, and procedure thereunder.
 504. Commission in case of witness being within Presidency-town.
 505. Parties may examine witness.
 506. Power of Provincial Subordinate Magistrate to apply for issue of commission.
 507. Return of Commission.
 508. Adjournment of inquiry or trial.
-

SECTIONS.

CHAPTER XLI.

Special Rules of Evidence.

- 509. Deposition of medical witness.
Power to summon medical witness.
 - 510. Report of Chemical Examiner.
 - 511. Previous conviction or acquittal how proved.
 - 512. Record of evidence in absence of accused.
-

CHAPTER XLII.

Provisions as to Bonds.

- 513. Deposit instead of recognizance.
 - 514. Procedure on forfeiture of bond.
 - 515. Appeals from, and revision of, orders under section 514.
 - 516. Power to direct levy of amount due on certain recognizances.
-

CHAPTER XLIII.

Of the Disposal of Property.

- 517. Order for disposal of property regarding which offence committed.
- 518. Order may take form of reference to District and Sub-Divisional Magistrate.
- 519. Payment to innocent purchaser of money found on accused.
- 520. Stay of order under section 517, 518 or 519.
- 521. Destruction of libellous and other matter.
- 522. Power to restore possession of immoveable property.
- 523. Procedure by police upon seizure of property taken under section 51 or stolen.
Procedure where owner of property seized unknown.
- 524. Procedure where no claimant appears within six months.
- 525. Power to sell perishable property.

SECTIONS.

CHAPTER XLIV.

Of the Transfer of Criminal Cases.

526. High Court may transfer case, or itself try it.
Notice to Public Prosecutor of application under this section.
527. Power of Governor General in Council to transfer criminal cases and appeals.
528. District or Sub-Divisional Magistrate may withdraw or refer cases.
Power to authorize District Magistrate to withdraw classes of cases.
-

CHAPTER XLV.

Of Irregular Proceedings.

529. Irregularities which do not vitiate proceedings.
530. Irregularities which vitiate proceedings.
531. Proceedings in wrong place.
532. When irregular commitments may be validated.
533. Non-compliance with provisions of section 164 or 364.
534. Omission to ask question prescribed by section 454, clause 2.
535. Effect of omission to prepare charge.
536. Trial by jury of offence triable with assessors.
Trial with assessors of offence triable by jury.
537. Finding or sentence when reversable by reason of error or omission in charge or other proceedings.
538. Distress not illegal nor distrainer a trespasser for defect or want of form in proceedings.
-

CHAPTER XLVI.

Miscellaneous.

539. Courts and persons before whom affidavits may be sworn.

SECTIONS.

540. Power to summon material witness, or examine person present.
541. Power to appoint place of imprisonment.
542. Power of Presidency Magistrate to order prisoner in jail to be brought up for examination.
543. Interpreter to be bound to interpret truthfully.
544. Expenses of complainants and witnesses.
545. Power of Court to pay expenses or compensation out of fine.
546. Payments to be taken into account in subsequent suit.
547. Moneys ordered to be paid recoverable as fines.
548. Copies of proceedings.
549. Delivery to military authorities of persons liable to be tried by Court-martial.
Apprehension of such persons.
550. Powers of superior officers of police.
551. Power to compel restoration of abducted females.
552. Compensation to person groundlessly given in charge in Presidency-town.
553. Power of chartered High Courts to make rules for inspection of records of subordinate Courts.
Power of other High Courts to make rules for other purposes.
554. Forms.
555. Case in which Judge or Magistrate is personally interested.
556. Power to decide language of Courts.
557. Powers of Governor General in Council and Local Government exercisable from time to time.
558. Pending cases.

SCHEDULE I.—Enactments repealed.

SCHEDULE II.—Tabular Statement of Offences.

SCHEDULE III.—Ordinary Powers of Provincial Magistrates.

SCHEDULE IV.—Additional Powers with which Provincial Magistrates may be invested.

SCHEDULE V.—Forms.

THE CODE
OF
CRIMINAL PROCEDURE.

ACT. No. X OF 1882.

(AS AMENDED BY ACTS NOS. III OF 1884, X OF 1886, AND V
AND XIV OF 1887.)

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General
on the 6th March, 1882.)*

An Act to consolidate and amend the law relating to
Criminal Procedure.

WHEREAS it is expedient to consolidate and amend the
law relating to Criminal Procedure; It
is hereby enacted as follows :—

Preamble.

PART I.

PRELIMINARY.

CHAPTER. I.

1. This Act may be called "The Code of Criminal Procedure, 1882": and shall come into force on the first day of January, 1883;

Short title.

Commencement.

It extends to the whole of British India ; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law now in force, or shall apply to—

(a) the Commissioners of Police in the towns of Calcutta, Madras and Bombay, or the police in the towns of Calcutta and Bombay ;

(b) any officer duly authorized to try petty offences in military bázárs at cantonments and stations occupied by the troops of the Presidencies of Fort St. George and Bombay respectively ;

(c) heads of villages in the Presidency of Fort St. George ; or

(d) village Police-officers in the Presidency of Bombay :

(e) and nothing in sections 174, 175 and 176 shall apply to the police in the town of Madras.

2. On and from the first day of January, 1883, the enactments mentioned in the first schedule shall be repealed to the extent specified in the third column thereof, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which is then lawful.

All notifications published, proclamations issued, powers conferred, forms prescribed, local limits defined, sentences passed and orders, rules and appointments made, under any enactment hereby repealed, or under any enactment repealed by any such enactment, and which are in force immediately before the first day of January, 1883, shall be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made under the corresponding section of this Code.

3. In every enactment passed before this Code comes into force, in which reference is made to, or to any chapter or section of, the Code of Criminal Procedure, Act No. XXV of 1861, or Act No. X of 1872, or to any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding chapter or section.

References to Code of Criminal Procedure and other repealed enactments.

In every enactment passed before this Code comes into force the expressions "Officer exercising (or 'having') the powers (or 'the full powers') of a Magistrate", "Subordinate Magistrate, first class", and "Subordinate Magistrate, second class", shall respectively be deemed to mean "Magistrate of the first class", "Magistrate of the second class", and "Magistrate of the third class"; the expression "Magistrate of a division of a district" shall be deemed to mean "Sub-divisional Magistrate"; the expression "Magistrate of the district" shall be deemed to mean "District Magistrate", and the expression "Magistrate of Police" shall be deemed to mean "Presidency Magistrate."

Expressions in former Acts.

4. In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context :—

Interpretation-clause.

(a) "Complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence; but does not include the report of a Police-officer :

(b) "Investigation" includes all the proceedings under this Code for the collection of evidence conducted by the police or by any person (other than a Magistrate or Police-officer) who is authorized by a Magistrate in this behalf :

(c) "Inquiry" includes every inquiry conducted under this Code by a Magistrate or Court :
 "Inquiry":

(d) "Judicial proceeding" means any proceeding in the course of which evidence is or may be legally taken :
 "Judicial proceeding":

(e) "Writing" and "written" include "printing", "lithography", "photography", "engraving", and every other mode in which words or figures can be expressed on paper or on any substance ;
 "Writing" and "written":

(f) "Sub-division" means a sub-division made under this Code of a District :
 "Sub-division":

(g) "Province" means the territories for the time being under the administration of any Local Government :
 "Province":

(h) "Presidency-town" means the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William, Madras or Bombay :
 "Presidency-town":

(i) "High Court" means, in reference to proceedings against European British subjects or persons jointly charged with European British subjects, the High Courts of Judicature at Fort William, Madras and Bombay, the High Court of Judicature for the North-Western Provinces, the Chief Court of the Punjab and the Recorder of Rangoon :
 "High Court":

In other cases "High Court" means the highest Court of criminal appeal or revision for any local area ;

or, where no such Court is established under any law for the time being in force, such officer as the Governor (General in Council may appoint in this behalf :

(j) "Chief Justice" includes also the senior Judge of a Chief Court :
 "Chief Justice":

(k) "Advocate General" includes also a Government

"Advocate General": Advocate, or, where there is no Advocate General or Government Advocate, such officer as the Local Government may, from time to time, appoint in this behalf :

"Clerk of the Crown": (l) "Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Code to the Clerk of the Crown :

"Public Prosecutor": (m) "Public Prosecutor" means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor ; and any person conducting a prosecution on behalf of Her Majesty in any High Court in the exercise of its original criminal jurisdiction :

"Pleader": (n) "Pleader" used with reference to any proceeding in any Court, means a pleader authorized under any law for the time being in force to practise in such Court, and includes (1) an advocate, a vakil and an attorney of a High Court so authorized, and (2) any mukhtár or other person appointed with the permission of the Court to act in such proceeding :

"Police-station": (o) "Police-station" means any post declared, generally or specially, by the Local Government to be a Police-station for the purposes of this Code, and includes any local area specified by the Local Government in this behalf ; and "Officer in charge of a Police-station" includes, when the officer in charge of the Police-station is absent from* the station-house or unable from illness to perform his duties, the Police-officer present at the station-house* who is next in rank to such officer and is above the rank of constable, or, when the Local Government so directs, any other Police-officer so present :

"Offence": (p) "Offence" means any act or omission made punishable by any law for the time being in force :

* See Sec. 1 Act No. V of 1887.

(g) "Cognizable offence" means an offence for, and
 "Cognizable offence": "cognizable case" means a case in, which
 "Cognizable case": a Police-officer, within or without the
 Presidency-towns, may, in accordance
 with the second schedule, or under any
 law for the time being in force, arrest without warrant :

"Non-cognizable offence" means an offence for,
 "Non-cognizable offence": and "non-cognizable case" means a case
 "Non-cognizable case": in, which a Police-officer, within or with-
 out the Presidency-towns, may not arrest
 without warrant :

(r) "Bailable offence" means an offence shown as
 "Bailable offence": bailable in the second schedule, or
 which is made bailable by any other
 law for the time being in force ;
 "Non-bailable offence" and "non-bailable offence" means any
 other offence :

(s) "Warrant-case" means a case relating to an
 "Warrant-case": offence punishable with death, trans-
 portation or imprisonment for a term
 exceeding six months :

(t) "Summons-case" means a case relating to an
 "Summons-case": offence not so punishable :

(u) "European British subject" means—

"European British subject": (1) any subject of Her Majesty born,
 naturalized or domiciled in the United
 Kingdom of Great Britain and Ireland, or in any of the
 European, American or Australian Colonies or Posses-
 sions of Her Majesty, or in the Colony of New Zealand,
 or in the Colony of the Cape of Good Hope or Natal :

(2) any child or grand-child of any such person by
 legitimate descent :

(v) "Chapter" means a chapter of this Code ; and
 "Chapter": "Schedule" means a schedule hereto
 "Schedule": annexed :

(w) "Place" includes also a house, building, tent
 "Place". and vessel.

Words referring to acts. . Words which refer to acts done extend also to illegal omissions ; and
 all words and expressions used herein and defined in the Indian Penal Code, and not herein-
 Words to have same meaning as in Penal Code. before defined, shall be deemed to have the meanings respectively attributed to them by that Code.

5. All offences under the Indian Penal Code shall be inquired into and tried according to the provisions hereinafter contained ; and all
 Trial of offences under Penal Code. offences under any other law shall be inquired into and tried according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of inquiring into or trying such offences.

PART II.

Constitution and Powers of Criminal Courts and Offices.

CHAPTER II.

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES.

A.—Classes of Criminal Courts.

6. Besides the High Courts and the Courts constituted under any law other than this Code for the time being in force, there shall be five classes of Criminal Courts in British India, namely :—

- I.—Courts of Session :
- II.—Courts of Presidency Magistrates :
- III.—Courts of Magistrates of the first class :
- IV.—Courts of Magistrates of the second class :
- V.—Courts of Magistrates of the third class.

B.—Territorial Divisions.

Sessions Divisions :

7. Every Province (excluding the Presidency towns) shall be a Sessions Division, or shall consist of Sessions Divisions :

Districts.

and every Sessions Division shall, for the purposes of this Code, be a District or consist of Districts.

The Local Government may alter the limits, or, with the previous sanction of the Governor General in Council, the number, of such Divisions and Districts.

Power to alter Divisions and Districts.

Existing Divisions and Districts maintained till altered.

The Sessions Divisions and Districts existing when this Code comes into force shall be Sessions Divisions and Districts respectively, unless and until they are so altered.

Presidency-towns to be deemed Districts.

Every Presidency-town shall, for the purposes of this Code, be deemed to be a District.

8. The Local Government may divide any District outside the Presidency-towns into Sub-divisions or make any portion of any such District a Sub-division, and may alter the limits of any Sub-division.

Power to divide Districts into Sub-divisions.

All existing Sub-divisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

Existing Sub-divisions maintained.

C.—Courts and offices outside the Presidency-towns.

9. The Local Government shall establish a Court of Session for every Sessions Division, and appoint a Judge of such Court.

Court of Session.

It may also appoint Additional Sessions Judges, Joint Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

All Courts of Session existing when this Code comes into force shall be deemed to have been established under this Act.

10. In every District outside the Presidency-towns, the Local Government shall appoint a District Magistrate. Magistrate of the first class, who shall be called the District Magistrate.

11. Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive administration of the District, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

12. The Local Government may appoint as many Subordinate Magistrates. persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any District outside the Presidency-towns; and the Local Government, or the District Magistrate, subject to the control of the Local Government, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such District.

13. The Local Government may place any Magistrate of the first or second class in charge of a Sub-division, and relieve him of the charge as occasion requires.

Such Magistrates shall be called Sub-divisional Magistrates.

14. The Local Government may confer upon any person all or any of the powers conferred or conferrible by or under this Code on

Delegation of powers to District Magistrate.

Special Magistrates.

a Magistrate of the first, second or third class, in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the Presidency-towns.

Such Magistrates shall be called Special Magistrates.

With the previous sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks fit, to any officer under its control the power conferred by the first paragraph of this section.

No powers shall be conferred under this section on any Police-officer below the grade of Assistant District Superintendent, and no powers shall be so conferred except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

15. The Local Government may direct any two or more Magistrates in any place outside the Presidency-towns to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or such classes of cases only, and within such local limits, as the Local Government thinks fit.

Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members who is present taking part in the proceedings as a member of the Bench belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

16. The Local Government may, or, subject to the

Power to frame rules for guidance of Benches. control of the Local Government, the District Magistrate may, from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any District respecting the following subjects :—

- (a) the classes of cases to be tried ;
- (b) the times and places of sitting ;
- (c) the constitution of the Bench for conducting trials ;
- (d) the mode of settling differences of opinion which may arise between the Magistrates in session.

17. All Magistrates appointed under sections 12, 13 and 14, and all Benches constituted under section 15, shall be subordinate to the District Magistrate, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Magistrates and Benches ; and

Every Magistrate (other than a Sub-divisional Magistrate) and every Bench exercising powers in a Sub-division shall be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate.

All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Assistant Sessions Judges.

Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.

D.—Courts of Presidency Magistrates.

18. The Local Government shall, from time to time, appoint a sufficient number of persons (hereinafter called Presidency Magistrates) to be Magistrates for each of the

Presidency-towns, and shall appoint one of such persons to be Chief Magistrate for each such town.

Any two or more of such persons may (subject to the rules made by the Chief Magistrate under the power hereinafter conferred) sit together as a Bench.

19. Every Presidency Magistrate shall exercise jurisdiction in all places within the Presidency-town for which he is appointed and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law for the time being in force for the regulation of ports and port-dues.

20. Every Presidency Magistrate in the town of Bombay shall exercise all jurisdiction which, under any law in force immediately before the first day of April, 1877, was exercised in that town by the Court of Petty Sessions :

Provided that appeals under the law for the time being regulating the municipality of Bombay shall lie to the Chief Magistrate only.

21. Every Chief Magistrate shall exercise within the local limits of his jurisdiction all the powers conferred on him by this Code or which by any law or rule in force immediately before this Code comes into force are required to be exercised by any Senior or Chief Magistrate, and may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Code to regulate—

(a) the conduct and distribution of business and the practice in the Courts of the Magistrates of the town ;

(b) the times and places at which Benches of Magistrates shall sit ;

(c) the constitution of such Benches ; and

(d) the mode of settling differences of opinion which may arise between Magistrates in session.

E.—Justices of the Peace.

Justices of the
Peace for the
Mufassal.

22. The Governor General in Council, so far as regards the whole or any part of British India outside the Presidency-towns, and every Local Government, so far as regards the territories subject to its administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such European British subjects as he or it thinks fit to be Justices of the Peace within and for the territories mentioned in such notification.

Justices of the
Peace for the
Presidency-
towns.

23. The Governor General in Council or the Local Government, so far as regards the town of Calcutta,

and the Local Government, so far as regards the towns of Madras and Bombay,

may, by notification in the official Gazette, appoint to be Justices of the Peace within the limits of the town mentioned in such notification any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) thinks fit.

24. Every person now acting as a Justice of the
Present Justices
of the Peace.

Peace within and for any part of British India other than the said towns, under any commission issued by a High Court, shall be deemed to have been appointed under section 22 by the Governor General in Council to act as a Justice of the Peace for the whole of British India other than the said towns.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section 23 by the Local Government.

Ex-officio Jus-
tices of the
Peace.

25. In virtue of their respective offices, the Governor General, the Ordinary Members of the Council of the Governor General, the Judges of the High Courts and the

Recorder of Rangoon are Justices of the Peace within and for the whole of British India, *Sessions Judges and District Magistrates are Justices of the Peace within and for the whole of the territories administered by the Local Government under which they are serving, and the Presidency Magistrates are Justices of the Peace within and for the towns of which they are respectively Magistrates.

F.—Suspension and Removal.

26. All Judges of Criminal Courts other than the High Courts established by Royal Charter, and all Magistrates, may be suspended or removed from office by the Local Government :

Suspension and removal of Judges and Magistrates.

Provided that such Judges and Magistrates as now are liable to be suspended or removed from office by the Governor General in Council only, shall not be suspended or removed from office by any other authority.

27. The Governor General in Council may suspend or remove from office any Justice of the Peace appointed by him, and the Local Government may suspend or remove from office any Justice of the Peace appointed by it.

Suspension and removal of Justices of the Peace.

CHAPTER III.

POWERS OF COURTS.

A.—Description of offences cognizable by each Court.

28. Subject to the other provisions of this Code, any offence under the Indian Penal Code may be tried by the High Court or Court of Session or by any other Court by which such offence is shown in the eighth column of the second schedule to be triable.

Offences under Penal Code.

* See Sec. 1 Act No. III of 1884.

29. Any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.

When no Court is so mentioned, it may be tried by the High Court or by any Court constituted under this Code; provided that—

(a) no Magistrate of the first class shall try any such offence which is punishable with imprisonment for a term which may exceed seven years;

(b) no Magistrate of the second class shall try any such offence which is punishable with imprisonment for a term which may extend to three years; and

(c) no Magistrate of the third class shall try any such offence which is punishable with imprisonment for a term which may extend to one year.

30. In the territories respectively administered by the Lieutenant-Governor of the Punjab and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg and Assam, and in those parts of the other Provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may, notwithstanding anything contained in section 29, invest the District Magistrate with power to try as a Magistrate all offences not punishable with death.

B.—Sentences which may be passed by Courts of various Classes.

31. A High Court may pass any sentence authorized by law.

A Sessions Judge, Additional Sessions Judge or Joint Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court.

An Assistant Sessions Judge may pass any sentence authorized by law, except a sentence of death or of

transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years ; but *any sentence of imprisonment for a term exceeding four years, and any sentence of transportation passed by an Assistant Sessions Judge shall be subject to confirmation by the Sessions Judge.

Sentences which
Magistrates may
pass.

32. The Courts of Magistrates may pass the following sentences, namely :—

(a) Courts of Presidency Magistrates and of Magistrates of the first class ;

Imprisonment for a term not exceeding two years, including such solitary confinement as is authorized by law ;

Fine not exceeding one thousand rupees ;

Whipping.

(b) Courts of Magistrates of the second class ;

Imprisonment for a term not exceeding six months, including such solitary confinement as is authorized by law ;

Fine not exceeding two hundred rupees ;

Whipping.

(c) Courts of Magistrates of the third class ;

Imprisonment for a term not exceeding one month ;

Fine not exceeding fifty rupees.

The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.

No Court of any Magistrate of the second class shall pass a sentence of whipping unless he is specially empowered in this behalf by the Local Government.

33. The Court of any Magistrate may award such

* See Sec. 1 Act No. X of 1886.

Power of Magistrates to sentence to imprisonment in default of fine.

term of imprisonment in default of payment of fine as is authorized by law in case of such default: provided that the term is not in excess of the Magistrate's powers under this Code.

Provided also that in no case decided by a Magistrate

Proviso as to certain cases. where imprisonment has been awarded as part of the substantive sentence shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 32.

34. * The Court of a District Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding four years, and any sentence of transportation, shall be subject to confirmation by the Sessions Judge.

35. When a person is convicted, at one trial, of two or more distinct offences, the Court may sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict: such punishments, when consisting of imprisonment or transportation, to commence the one after the expiration of the other in such order as the Court may direct.

It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences

* See Sec. 2 Act No. X of 1886.

being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court :

Provided as follows :—

Maximum term of punishment. (a) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years :

(b) if the case is tried by a Magistrate (other than a Magistrate acting under section 34), the aggregate punishment shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

For the purpose of confirmation or appeal, aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

C.—Ordinary and Additional Powers.

36. All District Magistrates, Sub-divisional Magistrates and Magistrates of the first, second and third classes have the powers herein-after respectively conferred upon them and specified in the third schedule. Such powers are called their "ordinary powers."

37. In addition to his ordinary powers, any Sub-divisional Magistrate or any Magistrate of the first, second or third class may be invested by the Local Government or the District Magistrate, as the case may be, with any powers specified in the fourth schedule as powers with which he may be invested by the Local Government or the District Magistrate.

38. The power conferred on the District Magistrate by section 37 shall be exercised subject to the control of the Local Government.

D.—Conferment, Continuance and Cancellation of Powers.

39. In conferring powers under this Code, the Local Government may, by order, empower persons specially by name or in virtue of their office, or classes of officials generally by their official titles.

Every such order shall take effect from the date on which it is communicated to the person so empowered.

40. Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is transferred to an equal or higher office of the same nature within a like local area under the same Local Government, he shall, unless the Local Government otherwise directs, or has otherwise directed, continue to exercise the same powers in the local area to which he is so transferred.

41. The Local Government may withdraw any powers conferred under this Code on any person by it or by any officer subordinate to it.

PART III.

General Provisions.

CHAPTER IV.

OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS.

42. Every person is bound to assist a Magistrate or Police-officer reasonably demanding his aid, whether within or without the Presidency-towns,

(a) in the taking of any other person whom such Magistrate or Police-officer is authorized to arrest ;

(b) in the prevention of a breach of the peace, or of any injury attempted to be committed to any railway, canal, telegraph or public property ; or

(c) in the suppression of a riot or an affray.

43. When a warrant is directed to a person other than a Police-officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Aid to person other than Police-officer, executing warrant.

44. Every person, whether within or without the Presidency-towns, aware of the commission of, or of the intention of any other person to commit, any offence punishable under the following sections of the Indian Penal Code (namely) 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or Police-officer of such commission or intention.

Public to give information of certain offences.

45. Every village-head man, village-watchman, village-police-officer, owner or occupier of land, and the agent of any such owner or occupier, and every officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest Police-station, whichever is the nearer, any information which he may obtain respecting—

Village-head-men, land-holders and others bound to report certain matters.

(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman, watchman or Police-

officer, or in which he owns or occupies land, or is agent, or collects revenue or rent ;

(b) the resort to any place within, or the passage through, such village, of any person whom he knows, or reasonably suspects, to be a thug, robber, escaped convict or proclaimed offender ;

(c) the commission of, or intention to commit, any non-bailable offence in or near such village ;

(d) the occurrence therein of any sudden or unnatural death or of any death under suspicious circumstances.

EXPLANATION.—In this section, "village" includes village-lands.

CHAPTER V.

OF ARREST, ESCAPE AND RETAKING.

A.—Arrest generally.

46. In making an arrest, the Police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Arrest how made.

If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police-officer or other person may use all means necessary to effect the arrest.

Resisting endeavour to arrest.

Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death, or with transportation for life.

47. If any person acting under a warrant of arrest, or any Police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand

Search of place entered by person sought to be arrested.

of such person acting as aforesaid or such Police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

48. If ingress to such place cannot be obtained under section 47, it shall be lawful in any case for a person acting under a warrant, and in any case in which a warrant may issue but cannot be obtained without affording the person to be arrested an opportunity of escape, or a Police-officer, to enter such place and search therein, and

in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance :

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or Police officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

49. Any Police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who having lawfully entered for the purpose of making an arrest, is detained therein.

Power to break open doors and windows for purposes of liberation.

50. The person arrested shall not be subject to more restraint than is necessary to prevent his escape.

51. Whenever a person is arrested by a Police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail, and

No unnecessary restraint.

Search of arrested persons.

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the Police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him.

52. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.

Mode of searching women.

53. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested.

Power to seize offensive weapons.

B.—Arrest without Warrant.

54. Any Police-officer may, without an order from a Magistrate and without a warrant, arrest—

When police may arrest without warrant.

first—any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned ;

secondly—any person having in his possession, without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking ;

thirdly—any person who has been proclaimed as an offender either under this Code or by order of the Local Government ;

fourthly—any person in whose possession anything is found which may reasonably be suspected to be stolen

property and who may reasonably be suspected of having committed an offence with reference to such thing ;

fifthly—any person who obstructs a Police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody ; and

sixthly—any person reasonably suspected of being a deserter from Her Majesty's Army or Navy, *or belonging to Her Majesty's Indian Marine Service and being illegally absent from that service.

This section applies to the police in the towns of Calcutta and Bombay.

Arrest of vagabonds, habitual robbers, &c. 55. Any officer in charge of a Police-station may, in like manner, arrest or cause to be arrested—

(a) any person found taking precautions to conceal his presence within the limits of such station under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence ; or

(b) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself ; or

(c) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

† This section applies to the police in the towns of Calcutta and Bombay.

56. When any officer in charge of a Police-station requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to

Procedure when Police-officer deputes subordinate to arrest without warrant.

* See Sec. 78 Act No. XIV of 1887.

† See Sec. 3 Act No. X of 1886.

make the arrest an order in writing, specifying the person to be arrested and the offence for which the arrest is to be made.

* This section applies to the police in the towns of Calcutta and Bombay.

57. When any person in the presence of a Police-officer commits or is accused of committing a non-cognizable offence, and refuses on demand of a Police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained; and he shall, within twenty-four hours from the arrest, be forwarded to the nearest Magistrate, unless, before the expiration of that time, his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate, if so required.

58. A Police-officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest under this chapter, pursue such person into any place in British India.

59. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender;

and shall, without unnecessary delay, make over any person so arrested to a Police-officer; or, in the absence of a Police-officer, take such person to the nearest Police-station.

If there is reason to believe that such person comes under the provisions of section 54, a Police-officer shall re-arrest him.

If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand

* See Sec. 3 Act No. X. of 1886.

of a Police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 57. If there is no reason to believe that he has committed any offence, he shall be at once discharged.

60. A Police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Person arrested to be taken before Magistrate or officer in charge of Police-station.

61. No Police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Person arrested not to be detained more than 24 hours.

62. Officers in charge of Police-stations shall report to the District Magistrate, or if he so directs, to the Sub-divisional Magistrate, the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Police to report apprehensions.

63. No person who has been arrested by a Police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

Discharge of person apprehended.

64. When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Offence committed in Magistrate's presence.

65. Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

66. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in British India.

67. The provisions of sections 47, 48 and 49 shall apply to arrests under section 66, although the person making any such arrest is not acting under a warrant and is not a Police-officer having authority to arrest.

CHAPTER VI.

OF PROCESSES TO COMPEL APPEARANCE.

A.—*Summons.*

68. Every summons issued by a Court under this Code shall be in writing in duplicate signed and sealed by the presiding officer of such Court, or by such other officer as the High Court may, from time to time, by rule, direct.

Such summons shall be served by a Police-officer; or, subject to such rules consistent with this Code as the Local Government may prescribe in this behalf, by an officer of the Court issuing it.

This section applies to the police in the towns of Calcutta and Bombay.

69. The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Signature of person summoned.

70. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family, or, in a Presidency-town, with his servant residing with him; and the person with whom the summons is so left shall, if so required by the serving-officer, sign a receipt therefor on the back of the other duplicate.

Service when person summoned cannot be found.

71. If the signature mentioned in sections 69 and 70 cannot by the exercise of due diligence be obtained, the serving-officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Procedure when receipt cannot be obtained.

72. Where the person summoned is in the active service of the Government or of a Railway Company, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, and shall return it to the Court with the endorsement required by that section.

Service on servant of Government or of Railway Company.

73. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Service of summons outside local limits.

74. When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by section 69 or section 70) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.

B.—Warrant of Arrest.

75. Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer, or, in the case of a Bench of Magistrates, by any member of such Bench; and shall bear the seal of the Court.

Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

76. Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person execute a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

The endorsement shall state (a) the number of sureties, (b) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and (c) the time at which he is to attend before the Court.

Whenever security is taken under this section, the officer to whom the warrant is directed shall forward the Bond to the Court.

77. A warrant of arrest shall ordinarily be directed to one or more Police-officers, and, when issued by a Presidency Magistrate, shall always be so directed; but any other Court issuing such a warrant may, if its immediate execution is necessary and no Police-officer is immediately available, direct it to any other person or persons; and such person or persons shall execute the same.

When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.

78. A District Magistrate or Sub-divisional Magistrate may direct a warrant to any landholder, farmer or manager of land within his district or sub-division for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm, or the land under his charge.

When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest Police-officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under section 76.

79. A warrant directed to any Police-officer may also be executed by any other Police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

80. The Police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.

81. The Police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person.

Person arrested to be brought before Court without delay.

82. A warrant of arrest may be executed at any place in British India.

Where warrant may be executed.

83. When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a Police-officer, forward the same by post or otherwise to any Magistrate or Commissioner of Police within the local limits of whose jurisdiction it is to be executed.

Warrant forwarded to Magistrate for execution outside jurisdiction.

The Magistrate or Commissioner to whom such warrant is so forwarded shall endorse his name thereon, and, if practicable, cause it to be executed within the local limits of his jurisdiction.

84. When a warrant directed to a Police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to a Magistrate or to a Police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

Warrant directed to Police-officer for execution outside jurisdiction.

Such Magistrate or Police-officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police-officer to whom the warrant is directed to execute the same within such limits, and the local police shall, if so required, assist such officer in executing such warrant.

Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or Police-officer within the local limits of whose

jurisdiction the warrant is to be executed will prevent such execution, the Police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

This section applies to the police in the towns of Calcutta and Bombay.

85. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest, or is nearer than the Magistrate or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate or Commissioner.

Procedure on arrest of person against whom warrant issued.

86. Such Magistrate or Commissioner shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court: provided that if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate or Commissioner, or a direction has been endorsed under section 76 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate or Commissioner shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant,

Procedure by Magistrate before whom person arrested is brought.

Nothing in this section shall be deemed to prevent a Police-officer from taking security under section 76.

C.—Proclamation and Attachment.

87. If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court

Proclamation for person absconding.

may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

The proclamation shall be published as follows :—

(a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides ;

(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides, or to some conspicuous place of such town or village ; and

(c) a copy thereof shall be affixed to some conspicuous part of the Court-house.

A statement by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

88. The Court may, after issuing a proclamation under section 87, order the attachment of any property, moveable or immovable, or both, belonging to the proclaimed person.

Attachment
of property of
person abscond-
ing.

Such order shall authorize the attachment of any property belonging to such person within the district in which it is made ; and it shall authorize the attachment of any property belonging to such person without such district, when endorsed by the District Magistrate *or Chief Presidency Magistrate within whose district such property is situate.

If the property ordered to be attached be debts or other moveable property, the attachment under this section shall be made—

(a) by seizure ; or

* See Sec. 4 Act No. X of 1886.

(b) by the appointment of a receiver ; or

(c) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf ; or

(d) by all or any two of such methods, as the Court thinks fit.

If the property ordered to be attached be immoveable, the attachment under this section shall, in the case of land paying revenue to Government, be made through the Collector of the District in which the land is situate, and in all other cases—

(e) by taking possession ; or

(f) by the appointment of a receiver ; or

(g) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf ; or

(h) by all or any two of such methods, as the Court thinks fit.

The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under Chapter XXXVI of the Code of Civil Procedure.

If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government ; but it shall not be sold until the expiration of six months from the date of the attachment, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

89. If, within two years from the date of the attachment, any person whose property is or has been at the disposal of Government, under the last paragraph of section 88, appears voluntarily or is apprehended and brought

Restoration of
attached property.

before the Court by whose order the property was attached, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D.—Other rules regarding processes.

90. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person other than a juror or assessor, issue, after recording its reasons in writing, a warrant for his arrest—

Issue of warrant in lieu of, or in addition to, summons.

(a) if, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(b) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

91. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant is present in such Court, such officer may require such person to execute a bond with or without sureties for his appearance in such Court.

Power to take bond for appearance.

92. When any person who is bound by any bond taken under this Code to appear before a Court does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested and produced before him.

Arrest on breach of bond for appearance.

93. The provisions contained in this chapter relating to a summons and warrant and their issue, service and execution shall, so far as may be, apply to every summons and every warrant of arrest issued under this Code.

Provisions in this chapter generally applicable to summonses and warrants of arrest.

CHAPTER VII.

OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVEABLE PROPERTY AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.

A.—Summons to produce.

94. Whenever any Court, or, in any place beyond the limits of the towns of Calcutta and Bombay, any officer in charge of a Police-station, considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.

Summons to produce document or other thing.

Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to a letter, post-card, telegram or other document in the custody of the Postal or Telegraph authorities.

95. If any document in such custody is, in the opinion of any District Magistrate, Chief
 Procedure as to letters and telegrams; Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require the Postal or Telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court directs.

If any such document is, in the opinion of any other Magistrate, or of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

B.—Search-warrants.

96. Where any Court has reason to believe that a person to whom a summons or order
 When search-warrant may be issued. under section 94 or a requisition under section 95, paragraph one, has been or might be addressed will not or would not produce the document or other thing as required by such summons or requisition,

or where such document or other thing is not known to the Court to be in the possession of any person,

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed may search or inspect in accordance therewith and the provisions hereinafter contained.

Nothing herein contained shall authorize any Magistrate, other than a District Magistrate or Chief

Presidency Magistrate, to grant a warrant to search for a document in the custody of the Postal or Telegraph authorities.

97. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

98. If a District Magistrate, Sub-divisional Magistrate, Presidency Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coin, or instruments or materials for counterfeiting coin or stamps or for forging,

or that any forged documents, false seals or counterfeit stamps or coin, or instruments or materials used for counterfeiting coin or stamps or for forging, are kept or deposited in any place,

he may by his warrant authorize any Police-officer above the rank of a constable—

(a) to enter, with such assistance as may be required, such place, and

(b) to search the same in manner specified in the warrant, and

(c) to take possession of any property, documents, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials as aforesaid, and

(d) to convey such property, documents, seals, stamps, coins instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken

before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(e) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale, or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging.

99. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court.

C.—Discovery of persons wrongfully confined.

100. If any Presidency Magistrate, Magistrate of the first class or Sub-divisional Magistrate has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person if found shall be immediately taken before a

Magistrate, who shall make such order as in the circumstances of the case seems proper.

D.—General Provisions relating to Searches.

101. The provisions of sections 43, 75, 77, 79, 82, 83 and 84 shall, so far as may be, apply to all search-warrants issued under section 96, section 98 or section 100.

Direction, &c., of search-warrants.

102. Whenever any place liable to search or inspection under this chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Persons in charge of closed place to allow search.

If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

103. Before making a search under this chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search.

Search to be made in presence of witnesses.

The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses, but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this

Occupant of place searched may attend.

section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

E.—Miscellaneous.

104. Any Court may, if it thinks fit, impound any document or other thing produced before it under this Code.

Power to impound document, &c., produced.

105. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

Magistrate may direct search in his presence.

PART IV.

Prevention of Offences.

CHAPTER VIII.

OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR.

A.—Security for keeping the Peace on Conviction.

106. Whenever any person accused of rioting, assault or other breach of the peace, or of abetting the same, or of assembling armed men or taking other unlawful measures with the evident intention of committing the same, or any person accused of committing criminal intimidation by threatening injury to person or property, is convicted of such offence before a High Court, a Court of Session or the Court of a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class,

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix.

If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

B.—Security for keeping the Peace in other Cases and Security for Good Behaviour.

107. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information that any person is likely to commit a breach of the peace, or to do any wrongful act that may probably occasion a breach of the peace, within the local limits of such Magistrate's jurisdiction, or that there is within such limits a person who is likely to commit a breach of the peace or do any wrongful act as aforesaid in any place beyond such limits, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.

108. When any Magistrate not empowered to proceed under section 107, or a Court of Session or High Court, has reason to believe that any person is likely to commit a breach of the peace or to do any wrongful act that may probably occasion a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by detaining such person in custody, such Magistrate or Court may issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case under section 107.

A Magistrate before whom a person is sent under

this section may in his discretion detain such person in custody until the completion of the inquiry hereinafter prescribed.

109. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information—
 Security for good behaviour from vagrants and suspected persons.

(a) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing an offence, or

(b) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding six months as the Magistrate thinks fit to fix.

110. Whenever a Presidency Magistrate, District Magistrate, *or Sub-divisional Magistrate, or a Magistrate of the first class specially empowered in this behalf by the Local Government receives information that
 Security for good behaviour from habitual offenders.

any person within the local limits of his jurisdiction is an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing the same to have been stolen, or that he habitually commits extortion, or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties for his ^{good} behaviour for such period not exceeding three ^{months} ^{or} ^{more} than, as the Magistrate thinks fit to fix. the order

* See Sec. 5 Act No. X of 1886.

111. The provisions of sections 109 and 110 do not
 Proviso as to apply to European British subjects in
 European va- cases where they may be dealt with under
 grants. the European Vagrancy Act, 1874.

112. When a Magistrate acting under section 107,
 Order to be section 109 or section 110 deems it neces-
 made, sary to require any person to show cause
 under such section, he shall make an order in writing,
 setting forth the substance of the information received,
 the amount of the bond to be executed, the term for
 which it is to be in force, and the number, character and
 class of sureties (if any) required.

113. If the person in respect of whom such order is
 Procedure in made is present in Court, it shall be read
 respect of person over to him, or, if he so desires, the sub-
 present in Court. stance thereof shall be explained to him.

114. If such person is not present in Court, the
 Summons or Magistrate shall issue a summons requir-
 warrant in case ing him to appear, or, when such person
 of person not so is in custody, a warrant directing the
 present. officer in whose custody he is to bring him,
 before the Court :

Provided that, whenever it appears to such Magistrate
 upon the report of a Police-officer or upon other infor-
 mation (the substance of which report or information
 shall be recorded by the Magistrate), that there is reason
 to fear the commission of a breach of the peace, and that
 such breach of the peace cannot be prevented otherwise
 than by the immediate arrest of such person, the
 Magistrate may at any time issue a warrant for his
 arrest.

115. Every summons or warrant issued under section
 Copy of order 114 shall be accompanied by a copy of the
 der section 112 order made under section 112, and such
 and company copy shall be delivered by the officer serv-
 Court or war- ing or executing such summons or war-
 powers. rant to the person served with, or arrested

A Magame.

116. The Magistrate may, if he see sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

117. When an order under section 112 has been read or explained under section 113, to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under section 114, the Magistrate shall proceed to inquire into the truth of the information upon which he has acted, and to take such further evidence as may appear necessary.

Such inquiry shall be made, as nearly as may be practicable, where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials in summons-cases; and where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials in warrant-cases, except that no charge need be framed.

For the purposes of this section the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.

118. If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties, the Magistrate shall make an order accordingly:

Provided—

first—that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 112:

secondly—that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive :

thirdly—that when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

119. If, on an inquiry under section 117, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.

C.—Proceedings in all cases subsequent to Order to furnish Security.

120. If any person in respect of whom an order requiring security is made under section 106 or section 118 is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

In other cases such period shall commence on the date of such order.

121. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

122. A Magistrate may refuse to accept any surety for good behaviour offered under this chapter, on the ground that, for reasons to be recorded by the Magistrate, such surety is an unfit person.

Discharge of person informed against.

Commencement of period for which security is required.

Contents of bonds.

Power to reject sureties.

123. If any person ordered to give security under section 106 or section 118 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison, be detained in prison, until such period expires or until within such period he gives the security to the Court or Magistrate which or who made the order requiring it, or to the officer in charge of the jail in which the person so ordered is detained.

When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the orders of the Court of Session, or, if such Magistrate be a Presidency Magistrate, pending the orders of the High Court; and the proceedings shall be laid, as soon as conveniently may be, before such Court.

Such Court, after examining such proceedings and requiring any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit: provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

Imprisonment for failure to give security for keeping the peace shall be simple.

Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs.

124. Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter, whether by the order of such Magistrate or that of

his predecessor in office, or of some subordinate Magistrate, may be released without hazard to the community or to any other person, he may order such person to be discharged.

Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter as ordered by the Court of Session or High Court may be released without such hazard, such Magistrate shall make an immediate report of the case for the orders of the Court of Session or High Court, as the case may be, and such Court may, if it thinks fit, order such person to be discharged.

125. The District Magistrate may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace executed under this chapter by order of any Court in his District not superior to his Court.

Power of District Magistrate to cancel any bond for keeping the peace.

126. Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class to cancel any bond executed under this chapter within the local limits of his jurisdiction.

Discharge of sureties.

On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 121, 122, 123 and 124 be deemed to be an order made under section 106 or section 118, as the case may be.

CHAPTER. IX.

UNLAWFUL ASSEMBLIES.

127. Any Magistrate or officer in charge of a Police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

This section applies to the police in the towns of Calcutta and Bombay.

128. If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a Police-station, whether within or without the Presidency-towns, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier in Her Majesty's Army or a volunteer enrolled under the Indian Volunteers Act, 1869, and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

129. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by military force.

130. When a Magistrate determines to disperse any such assembly by military force, he may require any Commissioned or Non-commissioned officer in command of any soldiers in Her Majesty's Army or of any volunteers enrolled under the Indian Volunteers Act, 1869, to disperse such assembly by

military force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

Every such officer shall obey such requisition in such manner as he thinks fit ; but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

131. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any Commissioned officer of Her Majesty's Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law ; but, if while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

132. No prosecution against any Magistrate, Military officer, Police-officer, soldier or volunteer for any act purporting to be done under this chapter shall be instituted in any Criminal Court, except with the sanction of the Governor General in Council ; and

- (a) no Magistrate or Police-officer acting under this chapter in good faith,
 - (b) no officer acting under section 131 in good faith,
 - (c) no person doing any act in good faith in compliance with a requisition under section 128 or section 130, and
 - (d) no inferior officer, or soldier, or volunteer, doing any act in obedience to any order which under military law he was bound to obey,
- shall be deemed to have thereby committed an offence.

CHAPTER X.

PUBLIC NUISANCES.

133. Whenever a District Magistrate, a Sub-divisional Magistrate or, when empowered by the Local Government in this behalf, a Magistrate of the first class, considers, on receiving a report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that any trade or occupation, or the keeping of any goods or merchandise, by reason of its being injurious to the health or physical comfort of the community, should be suppressed or removed or prohibited, or

that the construction of any building, or the disposal of any substance as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence its removal, repair or support is necessary, or

that any tank, well or excavation adjacent to any such way or public place should be fenced in such a manner as to prevent danger arising to the public,—

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, substance, tank, well or excavation, within a time to be fixed in the order,

to remove such obstruction or nuisance ; or
to suppress or remove such trade or occupation ; or
to remove such goods or merchandise ; or

to prevent or stop the construction of such building ; or
 to remove, repair or support it ; or
 to alter the disposal of such substance ; or
 to fence such tank, well or excavation, as the case
 may be ; or

to appear before himself or some other Magistrate of
 the first or second class, at a time and place to be fixed
 by the order, and move to have the order set aside or
 modified in manner hereinafter provided.

No order duly made by a Magistrate under this sec-
 tion shall be called in question in any Civil Court.

EXPLANATION.—A “public place” includes also prop-
 erty belonging to the State, camping grounds, and
 grounds left unoccupied for sanitary and recreative
 purposes.

134. The order shall, if practicable, be served on the
Service or noti-
fication of order. person against whom it is made in
 manner herein provided for service of a
 summons.

If such order cannot be so served, it shall be noti-
 fied by proclamation, published in such manner as the
 Local Government may by rule direct, and a copy
 thereof shall be stuck up at such place or places as
 may be fittest for conveying the information to such
 person.

135. The person against whom such order is made
 shall—

(a) perform, within the time specified in the order,
Person to whom
order is address-
ed to obey, the act directed thereby ; or

(b) appear in accordance with such order, and either
 or show cause show cause against the same, or apply to
 or claim jury. the Magistrate by whom it was made to
 appoint a jury to try whether the same is reasonable and
 proper.

136. If such person does not perform such act or
Consequence of his failing to do so. appear and show cause or apply for the appointment of a jury as required by section 135, he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code ; and the order shall be made absolute.

137. If he appears and shows cause against the
Procedure where he appears to show cause. order, the Magistrate shall take evidence in the matter.

If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

If the Magistrate is not so satisfied, the order shall be made absolute.

138. On receiving an application under section 135
Procedure where he claims jury. to appoint a jury, the Magistrate shall—

(a) forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant ;

(b) summon such foreman and members to attend at such place and time as the Magistrate thinks fit ; and

(c) fix a time within which they are to return their verdict.

139. If the jury or a majority of the jurors find that
Procedure where jury finds Magistrate's order to be reasonable. the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate shall make the order absolute, subject to such modification (if any).

In other cases, no further proceedings shall be taken.

140. When an order has been made absolute under section 136, section 137 or section 139, the order being made absolute. Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other moveable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

No suit shall lie in respect of anything done in good faith under this section.

141. If the applicant by neglect or otherwise prevents the appointment of the jury, or if from any cause the jury appointed do not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by section 140.

142. If a Magistrate making an order under section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may, whether a jury is to be, or has been, appointed or not,

issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

143. A District Magistrate or Sub-divisional Magistrate, or any other Magistrate empowered by the Local Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code or any special or local law.

Magistrate may prohibit repetition or continuance of public nuisances.

CHAPTER XI.

TEMPORARY ORDERS IN URGENT CASES OF NUISANCE.

144. In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate or of any other Magistrate specially empowered by the Local Government or the District Magistrate to act under this section, immediate prevention or speedy remedy is desirable,

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession, or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, or danger to human life, health or safety, or a riot or an affray.

Power to issue order absolute at once in urgent cases of nuisance.

An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed *ex parte*.

An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place.

Any Magistrate may rescind or alter any order made under this section by himself or any Magistrate subordinate to him or by his predecessor in office.

No order under this section shall remain in force for more than two months from the making thereof; unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, the Local Government, by notification in the official Gazette, otherwise directs.

CHAPTER XII.

DISPUTES AS TO IMMOVEABLE PROPERTY.

145. Whenever a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class is satisfied from a police report or other information that a dispute likely to cause a breach of the peace exists concerning any tangible immoveable property, or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court, in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

The Magistrate shall then, without reference to the merits of the claims of any of such parties to a right to possess the subject of dispute,

Procedure where dispute concerning land, &c., is likely to cause breach of peace.

Inquiry as to possession.

peruse the statements so put in, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence, take such further evidence (if any) as he thinks necessary, and, if possible, decide whether any and which of the parties is then in such possession of the said subject.

If the Magistrate decides that one of the parties is then in such possession of the said subject, he shall issue an order declaring such party to be entitled to retain possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction.

Nothing in this section shall preclude any party so required to attend from showing that no such dispute as aforesaid exists or has existed; and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed.

146. If the Magistrate decides that none of the parties is then in such possession, or is unable to satisfy himself as to which of them is then in such possession, of the subject of dispute, he may attach it until a competent Civil Court has determined the rights of the parties thereto, or the person entitled to possession thereof.

147. Whenever any such Magistrate is satisfied as aforesaid that a dispute likely to cause a breach of the peace exists concerning the right to do or prevent the doing of anything in or upon any tangible immoveable property situate within the local limits of his jurisdiction, he may inquire into the matter; and may, if it appears to him that such right exists, make an order permitting such thing to be done, or directing that such thing shall not be done, as the case may be, until the person objecting to such thing being done or claiming that such thing may be done, obtains the decision of a competent Civil Court adjudging him to be entitled

to prevent the doing of, or to do, such thing, as the case may be.

Provided that no order shall be passed under this section permitting the doing of anything where the right to do such thing is exercisable at all times of the year, unless such right has been exercised within three months next before the institution of the inquiry ; or where the right is exercisable only at particular seasons, unless the right has been exercised during the season next before such institution.

148. Whenever a local inquiry is necessary for the purposes of this chapter, any District Magistrate or Sub-divisional Magistrate may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such written instructions consistent with the law for the time being in force as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

The report of the person so deputed may be read as evidence in the case.

When any costs have been incurred by any party to a proceeding under this chapter for witnesses' or pleaders' fees, or both, the Magistrate passing a decision under section 145, section 146 or section 147 may direct by whom such costs shall be paid, whether by such party or by any other party to the proceeding, and whether in whole or in part or proportion. All costs so directed to be paid may be recovered as if they were fines.

CHAPTER XIII.

PREVENTIVE ACTION OF THE POLICE.

149. Every Police-officer may interpose for the purpose of preventing, and shall to the best of his ability prevent, the commission of any cognizable offence.

Police to prevent cognizable offences.

150. Every Police-officer receiving information of a design to commit any cognizable offence shall communicate such information to the Police-officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

151. A Police-officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

152. A Police-officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immoveable, or the removal or injury of any public land-mark, or buoy or other mark used for navigation.

153. Any officer in charge of a Police-station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures, or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction.

PART V.**Information to the police and their Powers to Investigate.****CHAPTER XIV.**

154. Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a Police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Local Government may prescribe in this behalf.

155. When information is given to an officer in charge of a Police-station of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

No Police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or commit the same for trial, or of a Presidency Magistrate.

Any Police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a Police-station may exercise in a cognizable case.

156. Any officer in charge of a Police-station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local

area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

No proceeding of a Police-officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

157. If, from information received or otherwise, an officer in charge of a Police-station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report, and shall proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and arrest of the offender.

Provided as follows :—

(a) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot :

Where local investigation dispensed with.

(b) if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

Where Police-officer in charge sees no sufficient ground for investigation.

In each of the cases mentioned in clauses (a) and (b), the officer in charge of the Police-station shall state in his said report his reasons for not fully complying with the requirements of the first paragraph of this section.

158. Every report sent to a Magistrate under section 157 shall, if the Local Government so directs, be submitted through such superior officer of police as the Local Government, by general or special order, appoints in that behalf.

Reports under section 157 how submitted.

Such superior officer may give such instructions to the officer in charge of the Police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

159. Such Magistrate, on receiving such report, may, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold an investigation or preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

Power to hold investigation or preliminary inquiry.

160. Any Police-officer making an investigation under this chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station, who, from the information given or otherwise, appears to be acquainted with the circumstances of the case ; and such person shall attend as so required.

Police-officer's power to require attendance of witnesses.

161. Any Police-officer making an investigation under this chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Examination of witnesses by police.

Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture,

162. No statement, other than a dying declaration, made by any person to a Police-officer in the course of an investigation under this chapter shall, if reduced to writing, be signed by the person making it, or* shall be used as evidence against the accused.

Statements to police not to be signed or admitted in evidence.

Nothing in this section shall be deemed to affect the provisions of section 27 of the Indian Evidence Act, 1872.

163. No Police-officer or person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Indian Evidence Act, 1872, section 24.

No inducement to be offered.

But no Police-officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this chapter any statement which he may be disposed to make of his own free will.

164. Any Magistrate not being a Police-officer may record any statement or confession made to him in the course of an investigation under this chapter, or at any time afterwards before the commencement of the inquiry or trial.

Power to record statements and confessions.

Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is in his opinion best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

No Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and when he

* See Sec. 6 Act No. X of 1886.

records any confession he shall make a memorandum at the foot of such record to the following effect :—

“I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

“(Signed) A. B.,
“Magistrate.”

165. Whenever an officer in charge of a Police-station, or a Police-officer making an investigation, considers that the production of any document or other thing is necessary to the conduct of an investigation into any offence which he is authorized to investigate, and there is reason to believe that a person to whom a summons or order under section 94 has been or might be issued will not or would not produce such document or other thing as directed in the summons or order, or when such document or other thing is not known to be in the possession of any person, such officer may search, or cause search to be made, for the same, in any place within the limits of the station of which he is in charge, or to which he is attached.

Such officer shall, if practicable, conduct the search in person.

If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or other thing for which search is to be made, and the place to be searched ; and such subordinate officer may thereupon search for such thing in such place.

The provisions of this Code as to search-warrants shall, so far as may be, apply to a search made under this section.

166. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether in the same or a different District, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.

When officer in charge of Police-station may require another to issue search-warrant.

Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

167. Whenever it appears that any investigation under this chapter cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation is well-founded, the officer in charge of the Police-station shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary herein-after prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

Procedure when investigation cannot be completed in twenty-four hours.

The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.

A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

If such order be given by a Magistrate other than the District Magistrate or Sub-divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate,

168. When any subordinate Police-officer has made any investigation under this chapter, he shall report the result of such investigation to the officer in charge of the Police-station.

Report of investigation by subordinate Police-officer.

169. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report and to try the accused or commit him for trial.

Release of accused when evidence deficient.

170. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial; or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed.

Case to be sent to Magistrate when evidence is sufficient.

When the officer in charge of a Police-station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant, if any, and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

If the Court of the District Magistrate or Sub-divisional Magistrate be mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference be given to such complainant or persons.

The day fixed under this section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

171. No complainant or witness on his way to Court of the Magistrate shall be required to accompany a Police-officer,

Complainants and witnesses not to be required to accompany Police-officer.

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond :

Complainants and witnesses not to be subjected to restraint.

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in section 170, the officer in charge of the Police-station may forward him under custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

Recusant complainant or witness may be forwarded in custody.

172. Every Police-officer making an investigation under this chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began

Diary of proceedings in investigation.

and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the Police-officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such Police-officer, the provisions of the Indian Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply.

173. Every investigation under this chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the Police-station shall forward to a Magistrate empowered to take cognizance of the offence on a police report a report in the form prescribed by the Local Government, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties.

* Where a superior officer of police has been appointed under section 158, the report shall, in any cases in which the Local Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the Police-station to make further investigation.

Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

* See Sec. 7 Act No. X of 1886.

174. Every officer in charge of a Police-station, on receiving information that a person—
Police to inquire and report on suicide, &c.

(a) has committed suicide, or

(b) has been killed by another, or by an animal, or by machinery, or by an accident, or

(c) has died under circumstances raising a reasonable suspicion that some other person has committed an offence,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and unless otherwise directed by any rule prescribed by the Local Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

The report shall be signed by such Police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

When there is any doubt regarding the cause of death, or when for any other reason the Police-officer considers it expedient so to do, he shall, subject to such rules as the Local Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of such

putrefaction on the road as would render such examination useless.

In the Presidencies of Fort St. George and Bombay, investigations under this section may be made by the head of the village, who shall then report the result to the nearest Magistrate authorized to hold inquests.

The following Magistrates are empowered to hold inquests; namely, any District Magistrate or Sub-divisional Magistrate, and any Magistrate specially empowered in this behalf by the Local Government or the District Magistrate.

175. An officer in charge of a Police-station may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

If the facts do not disclose a cognizable offence to which section 170 applies, such persons shall not be required by the Police-officer to attend a Magistrate's Court.

176. When any person dies while in the custody of the police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in section 174, clauses (a), (b) and (c), any Magistrate so empowered may, hold an inquiry into the cause of death, either instead of, or in addition to, the investigation held by the Police-officer; and, if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners

hereinafter prescribed according to the circumstances of the case.

Whenever such Magistrate considers it expedient to

Power to dis- make an examination of the dead body
inter corpea. of any person who has been already
interred, in order to discover the cause of his death,
the Magistrate may cause the body to be disinterred and
examined.

PART VI.

Proceedings in Prosecutions.

CHAPTER XV.

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

A.—Place of Inquiry or Trial.

177 Every offence shall ordinarily be inquired into
Ordinary place and tried by a Court within the local
of inquiry and limits of whose jurisdiction it was com-
trial. mitted.

178. Notwithstanding anything contained in section
Power to order 177, the Local Government may direct
cases to be tried that any cases or class of cases committed
in different Ses- for trial in any district may be tried in
sions Divisions. any Sessions Divisions :

Provided that such direction be not repugnant to any
direction previously issued under the twenty-fourth and
and twenty-fifth of Victoria, chapter 104, section 15, or
under this Code, section 526.

179. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Accused triable
in district where
act is done or
where conse-
quence ensues.

Illustrations.

(a) A is wounded within the local limits of the jurisdiction of Court X, and dies within the local limits of the jurisdiction of Court Z. The offence of the culpable homicide of A may be inquired into or tried either by X or Z.

(b) A is wounded within the local limits of the jurisdiction of Court X, and is, during ten days within the local limits of the jurisdiction of Court Y, and during ten days more within the local limits of the jurisdiction of Court Z, unable in the local limits of the jurisdiction of either Court Y or Court Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into or tried by X, Y or Z.

(c) A is put in fear of injury within the local limits of the jurisdiction of Court X, and is thereby induced, within the local limits of the jurisdiction of Court Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into or tried either by X or Y.

180. When an act is an offence by reason of its relation to any other act which is also an offence, or which would be an offence if the doer were capable of committing an offence, a charge of the first mentioned offence may be inquired into or tried by a Court within the local limits of whose jurisdiction either act was done.

Place of trial
where act is
offence by reason
of relation to
other offence.

Illustrations.

(a) A charge of abetment may be inquired into or tried either by the Court within the local limits of whose jurisdiction the abetment was committed, or by the Court within the local limits of whose jurisdiction the offence abetted was committed.

(b) A charge of receiving or retaining stolen goods may be inquired into or tried either by the Court within the local limits of whose jurisdiction the goods were stolen, or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

(c) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into or tried by the Court within the local limits of whose jurisdiction the wrongful concealing, or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

181. The offence of being a thug, of being a thug and committing murder, of dacoity, of dacoity with murder, of having belonged to a gang of dacoits, or of having escaped from custody, may be inquired into or tried by a Court within the local limits of whose jurisdiction the person charged is.

The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject to the offence was received by the accused person, or the offence was committed.

The offence of stealing anything may be inquired into or tried by a Court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any person who receives or retains the same knowing or having reason to believe it to be stolen.

Being a thug or belonging to a gang of dacoits, escape from custody, &c.

Criminal misappropriation and criminal breach of trust.

Stealing.

182. When it is uncertain in which of several local areas an offence was committed, or
 Place of inquiry or trial where scene of offence is uncertain, or not in one district only;

where an offence is committed partly in one local area and partly in another, or

where an offence is a continuing one, and continues to be committed in more local areas than
 or where offence is continuing, one, or

where it consists of several acts done in different local areas,
 or consists of several acts,

it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

183. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by
 Offence committed on a journey. a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

184. All offences against the provisions of any law for the time being in force relating to
 Offences against Railway. Telegraph, Post-office and Arms Acts. Railways, Telegraphs, the Post Office or Arms and Ammunition may be inquired into or tried in a Presidency-town, whether the offence is stated to have been committed within such town or not: provided that the offender and all the witnesses necessary for his prosecution are to be found within such town.

185. Whenever any doubt arises as to the Court by which any offence should under the preceding provisions of this chapter be inquired into or tried, the High Court within the local limits of whose appellate criminal jurisdiction the offender actually
 High Court to decide, in case of doubt, district where inquiry or trial shall take place.

is may decide by which Court the offence shall be inquired into or tried.

In British Burma, when the offender is an European British subject, the Recorder of Rangoon, and in all other cases the Judicial Commissioner, shall, for the purposes of this section, be deemed to be the High Court.

186. When a Presidency Magistrate, a District Magistrate, a Sub-Divisional Magistrate or, if he is specially empowered in this behalf by the Local Government, a Magistrate of the first class, sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without British India) an offence which cannot, under the provisions of sections 177 to 184 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under some law for the time being in force triable in British India, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or, if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate.

When there are more Magistrates than one having such jurisdiction and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court.

187. If the person has been arrested under a warrant issued under section 186 by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District

Power to issue summons or warrant for offence committed beyond local jurisdiction.
Magistrate's procedure on arrest.
Procedure where warrant issued by Subordinate Magistrate.

Magistrate to whom he is subordinate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police-officer executing such warrant or shall be sent to the Magistrate by whom such warrant was issued.

If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same district other than that of the Magistrate acting under section 186, such Magistrate shall send such person to such Court.

188. When an European British subject commits an offence in the dominions of a Prince or State in India in alliance with Her Majesty, or

Liability of British subjects for offences committed out of British India.

when a Native Indian subject of Her Majesty commits an offence at any place beyond the limits of British India,

he may be dealt with in respect of such offence as if it had been committed at any place within British India at which he may be found :

Provided that no charge as to any such offence shall be inquired into in British India unless the Political Agent, if there be one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge ought to be inquired into in British India :

Political Agent to certify fitness of inquiry into charge.

Provided also that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in British India shall be a bar to further proceedings against him under the Foreign Jurisdiction and Extradition Act, 1879,

in respect of the same offence in any territory beyond the limits of British India,

189. Whenever any such offence as is referred to in section 188 is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a judicial officer in or for the territory in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

190. In sections 188 and 189 the expression "Political Agent" means and includes—
"Political Agent" defined.

(a) the principal officer representing the British Indian Government in any territory beyond the limits of British India;

(b) any officer in British India appointed by the Governor General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent, under the Foreign Jurisdiction and Extradition Act, 1879, for any territory not forming part of British India;

B.—Conditions requisite for Initiation of Proceedings.

191. Except as hereinafter provided, any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, and any other Magistrate specially empowered in this behalf, may take cognizance of any offence—

(a) upon receiving a complaint of facts which constitute such offence;

(b) upon a police report of such facts;

(c) upon information received from any person other than a Police-officer, or upon his own knowledge or suspicion, that such offence has been committed.

The Local Government, or the District Magistrate subject to the general or special orders of the Local Government, may empower any Magistrate to take cognizance under clause (a) or clause (b) of offences for which he may try or commit for trial.

The Local Government may empower any Magistrate of the first or second class to take cognizance under clause (c) of offences for which he may try or commit for trial.

* When a Magistrate takes cognizance of an offence under clause (c), the accused, or, when there are several persons accused, any one of them, shall be entitled to require that the case shall, instead of being tried by such Magistrate, be either transferred to another Magistrate or committed to the Court of Session.

192. Any District Magistrate or Sub-divisional Magistrate may transfer any case, of which he has taken cognizance for inquiry or trial to any Magistrate subordinate to him.

Transfer of cases by Magistrates.

Any District Magistrate may empower any Magistrate of the first class who has taken cognizance of any case, to transfer it for inquiry or trial to any other specified Magistrate in his District who is competent under this Code to try the accused or commit him for trial; and such Magistrate may dispose of the case accordingly.

193. Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction, unless the accused has been committed to it by a Magistrate duly empowered in that behalf.

Cognizance of offences by Courts of Session.

* See Sec. 2 Act No. III of 1884.

Additional Sessions Judges and Joint Sessions Judges shall try such cases only as the Local Government by general or special order directs them to try, or as the Sessions Judge of the Division makes over to them for trial.

Cases to be tried by Additional and Joint Sessions Judges;

Assistant Sessions Judges shall try such cases only as the Sessions Judge of the Division by general or special order makes over to them for trial.

by Assistant Sessions Judges.

194. The High Court may take cognizance of any offence upon a commitment made to it in manner hereinafter provided.

Cognizance of offences by High Court.

Nothing herein contained shall be deemed to affect the provisions of any letters patent granted under the twenty-fourth and twenty-fifth of Victoria, chapter 104.

195. No Court shall take cognizance—

(a) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code, except with the previous sanction, or on the complaint, of the public servant concerned, or of some public servant to whom he is subordinate ;

Prosecution for contempts of lawful authority of public servants.

(b) of any offence punishable under section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the same Code, when such offence is committed in, or in relation to, any proceeding in any Court, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate ;

Prosecution for certain offences against public justice.

(c) of any offence described in section 463, or punishable under section 471, 475 or 476 of the same Code, when such offence has been committed by a party to any proceeding in any Court in respect of a document given in evidence in such proceeding,

Prosecution for certain offences relating to documents given in evidence.

except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate,

The sanction referred to in this section may be expressed in general terms, and need not name the accused person ; but it shall, so far as practicable, specify the Court or other place in which, and the occasion on which, the offence was committed.

When sanction is given in respect of any offence referred to in this section, the Court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts,

Any sanction given or refused under this section may be revoked or granted by any authority to which the authority giving or refusing it is subordinate ; and no such sanction shall remain in force for more than six months from the date on which it was given.

For the purposes of this section, every Court, other than a Court of Small Causes, shall be deemed to be subordinate only to the Court to which appeals from the former Court ordinarily lie.

The Courts of Small Causes in the Presidency-towns shall be deemed to be subordinate to the High Court, and every other Court of Small Causes shall be deemed to be subordinate to the Court of Session for the Sessions Division within which such Court is situate,

196. No Court shall take cognizance of any offence punishable under Chapter VI of the Indian Penal Code, except section 127, or punishable under section 294A of the same Code, unless upon complaint made by order of, or under authority from, the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

Prosecution
for offences
against the State.

197. When any Judge, or any public servant not removable from his office without the sanction of the Government of India or the Local Government, is accused as such Judge or public servant of any offence, no Court shall take cognizance of such offence, except with the previous sanction of the Government having power to order his removal, or of some officer empowered in this behalf by such Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power to give such sanction has not been limited by such Government.

Such Government may determine the person by whom, and the manner in which, the prosecution of such Judge or public servant is to be conducted, and may specify the Court before which the trial is to be held.

198. No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the Indian Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence.

199. No Court shall take cognizance of an offence under section 497 or section 498 of the Indian Penal Code, except upon a complaint made by the husband of the woman, or in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed.

CHAPTER XVI.

OF COMPLAINTS TO MAGISTRATES.

200. A Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance

of the examination shall be reduced to writing and shall be signed by the complainant, and also by the Magistrate :

Provided as follows—

(a) when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 192 :

(b) where the Magistrate is a Presidency Magistrate, such examination may be on oath or not as the Magistrate in each case thinks fit, and need not be reduced to writing ; but the Magistrate may, if he thinks fit, before the matter of the complaint is brought before him, require it to be reduced to writing :

(c) when the case has been transferred under section 192 and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

201. If the complaint has been made in writing and the Magistrate is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper tribunal with an endorsement to that effect.

Procedure by
Magistrate not
competent to
take cognizance
of the case.

202. If the Chief Presidency Magistrate, or any other Presidency Magistrate whom the Local Government may from time to time authorize in this behalf, or any Magistrate of the first or second class, sees reason to distrust the truth of a complaint of an offence of which he is authorized to take cognizance, he may, when the complainant has been examined, record his reasons for distrusting the truth of the complaint, and may then postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself or direct a previous local investigation to be

Postponement
of issue of pro-
cess.

made by any officer subordinate to such Magistrate, or by a Police-officer, or by such other person, not being a Magistrate or Police-officer, as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

If such investigation is made by some person not being a Magistrate or a Police-officer, he shall exercise all the powers conferred by this Code on an officer in charge of a Police-station, except that he shall not have power to arrest without warrant.

This section applies to the Police in the towns of Calcutta and Bombay.

203. The Magistrate before whom a complaint is made or to whom it has been transferred may dismiss the complaint if, after examining the complainant and considering the result of the investigation (if any) made under section 202, there is in his judgment no sufficient ground for proceeding.

Dismissal of
complaint.

CHAPTER XVII.

OF THE COMMENCEMENT OF PROCEEDINGS BEFORE MAGISTRATES.

204. If, in the opinion of a Magistrate taking cognizance of an offence, there is sufficient ground for proceeding, and the case appears to be one in which, according to the fourth column of the second schedule, a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which, according to that column, a warrant should issue in the first instance, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or some other Magistrate having jurisdiction.

Issue of process.

Nothing in this section shall be deemed to affect the provisions of section 90.

205. Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

Magistrate may dispense with personal attendance of accused.

But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

CHAPTER XVIII.

OF INQUIRY INTO CASES TRIABLE BY THE COURT OF SESSION OR HIGH COURT.

206. Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, Magistrate of the first class or any Magistrate empowered in this behalf by the Local Government may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

Power to commit for trial.

But save as herein otherwise provided, no person triable by the Court of Session shall be committed for trial to the High Court,

207. The following procedure shall be adopted in inquiries before Magistrates where the case is triable exclusively by a Court of Session or High Court, or, in the opinion of the Magistrate, ought to be tried by such Court.

Procedure in inquiries preparatory to commitment.

208. The Magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, or as may be called for by the Magistrate.

If the complainant or officer conducting the prosecution, or the accused, applies to the Magistrate to issue process to compel the attendance of any witness or the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so.

Nothing in this section shall be deemed to require a Presidency Magistrate to record his reasons.

209. When the evidence referred to in section 208, paragraphs 1 and 2, has been taken, and he has examined the accused for the purpose of enabling him to explain any circumstances appearing in the evidence against him, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

210. When, upon such evidence being taken and such examination (if any) being made, the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall frame a charge under his hand, declaring with what offence the accused is charged.

As soon as the charge has been framed, it shall be read and explained to the accused and a copy thereof shall, if he so requires, be given to him free of cost.

Charge to be explained, and copy furnished, to accused.

211. The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

List of witnesses for defence on trial.

The Magistrate may, in his discretion, allow the accused to give in any further list of witnesses at a subsequent time; and, where the accused is committed for trial before the High Court, nothing in this section shall be deemed to preclude the accused from giving at any time before his trial, to the Clerk of the Crown a further list of the persons whom he wishes to be summoned to give evidence on such trial.

Further list.

212. The Magistrate may, in his discretion, summon and examine any witness named in any list given in to him under section 211.

Power of Magistrate to examine such witnesses.

213. When the accused on being required to give in a list under section 211 has declined to do so, or when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under section 212, the Magistrate may make an order committing the accused for trial by the High Court or the Court of Session (as the case may be), and (unless the Magistrate is a Presidency Magistrate) shall also record briefly the reasons for such commitment.

Order of commitment.

214. If any person (not being an European British subject) is accused before a Magistrate other than a Presidency Magistrate of having committed an offence conjointly with an European British subject who is about to be committed for trial, or to

Person charged outside Presidency towns jointly with European British subject.

be tried, before the High Court on a similar charge arising out of the same transaction, and the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall commit him for trial before the High Court, and not before the Court of Session.

215. A commitment once made under section 213 or section 214 by a competent Magistrate can be quashed by the High Court only, and only on a point of law.

Quashing commitments under section 213 or 214.

216. When the accused has given in any list of witnesses under section 211 and has been committed for trial, the Magistrate shall summon such of the witnesses included in the list as have not appeared before himself, to appear before the Court to which the accused has been committed :

Summons to witnesses for defence when accused is committed.

Provided that where the accused has been committed to the High Court, the Magistrate may, in his discretion, leave such witnesses to be summoned by the Clerk of the Crown, and such witnesses may be summoned accordingly ;

Provided also that if the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and, if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal), or may before summoning him require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness.

Refusal to summon unnecessary witness unless deposit made.

217. Complainants and witnesses for the prosecution and defence, whose attendance before the Court of Session or High Court is necessary, and who appear before the Magistrate, shall execute before him bonds binding

Bond of complainants and witnesses.

themselves to be in attendance when called upon at the Court of Session or High Court to prosecute or to give evidence, as the case may be.

If any complainant or witness refuses to attend before the Court of Session or High Court, or to execute the bond above directed, the Magistrate may detain him in custody until he executes such bond, or until his attendance at the Court of Session or High Court is required, when the Magistrate shall send him in custody to the Court of Session or High Court, as the case may be.

218. When the accused is committed for trial, the Magistrate shall issue an order to such person as may be appointed by the Local Government in this behalf, notifying the commitment, and stating the offence in the same form as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge ;

and shall send the charge, the record of the inquiry and any weapon or other thing which is to be produced in evidence, to the Court of Session or (where the commitment is made to the High Court) to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

When the commitment is made to the High Court and any part of the record is not in English, an English translation of such part shall be forwarded with the record.

219. The Magistrate may summon and examine supplementary witnesses after the commitment and before the commencement of the trial, and bind them over in manner hereinbefore provided to appear and give evidence.

Such examination shall, if possible, be taken in the

presence of the accused, and, where the Magistrate is not a Presidency Magistrate, a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost.

220. Until and during the trial, the Magistrate shall, subject to the provisions of this Code regarding the taking of bail, commit the accused, by warrant, to custody.

Custody of accused pending trial.

CHAPTER XIX.

OF THE CHARGE.

Form of Charges.

221. Every charge under this Code shall state the offence with which the accused is charged.

Charge to state offence.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

Specific name of offence sufficient description.

If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

How stated where offence has no specific name.

The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

What implied charge.

In the Presidency-towns the charge shall be written in English ; elsewhere it shall be written either in English or in the language of the Court.

If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award, the fact, date and place of the previous conviction shall be stated in the charge. If such statement is omitted, the Court may add it at any time before sentence is passed.

Illustrations.

(a) A is charged with the murder of B. This is equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the Indian Penal Code ; that it did not fall within any of the general exceptions of the same Code ; and that it did not fall within any of the five exceptions to section 300. or that, if it did fall within Exception 1. one or other of the three provisos to that exception applied to it.

(b) A is charged, under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to B, by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

(c) A is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Indian Penal Code ; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(d) A is charged, under section 184 of the Indian Penal Code, with intentionally obstructing a sale of property

offered for sale by the lawful authority of a public servant. The charge should be in those words.

222. The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

223. When the nature of the case is such that the particulars mentioned in sections 221 and 222 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

Illustrations.

(a) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(b) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(c) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(d) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(e) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(f) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

224. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

Words in charge taken in sense of law under which offence is punishable.

225. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

Effect of errors.

Illustrations.

(a) A is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(b) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(c) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(d) A is charged with the murder of Khoda Baksh on the 21st January, 1882. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January, 1882. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar.

Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(c) A was charged with murdering Haidar Baksh on the 20th January, 1882, and Khoda Baksh (who tried to arrest him for that murder) on the 21st January, 1882. When charged for the murder of Haidar Buksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

226. When any person is committed for trial without a charge, or with an imperfect or erroneous charge, the Court, or, in the case of a High Court, the Clerk of the Crown, may frame a charge, or add to or otherwise alter the charge, as the case may be, having regard to the rules contained in this Code as to the form of charges.

227. Any Court may alter any charge at any time before judgment is pronounced, or, in the case of trials before the Court of Sessions or High Court, before the verdict of the jury is returned or the opinions of the assessors are expressed.

Every such alteration shall be read and explained to the accused.

228. If the charge framed or alteration made under section 226 or section 227 is such that proceeding immediately with the trial is not likely, in the opinion of the Court to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may, in its discretion, after such charge or alteration has been framed or made, proceed with the trial as if the new or altered charge had been the original charge.

229. If the new or altered charge is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct

a new trial or adjourn the trial for such period as may be necessary.

230. If the offence stated in the new or altered charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new or altered charge is founded.

231. Whenever a charge is altered by the Court after the commencement of the trial, the prosecutor and the accused shall be allowed to recall or re-summon, and examine with reference to such alteration, any witness who may have been examined.

232. If any Appellate Court, or the High Court in the exercise of its powers of revision or material error. of its powers under Chapter XXVII, is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

If the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

A is convicted of an offence under section 196 of the Indian Penal Code, upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine was false or fabricated. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

Joinder of Charges.

233. For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately, except in the cases mentioned in sections 234, 235, 236 and 239.

Separate charges
for distinct
offences.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

234. When a person is accused of more offences than one of the same kind, committed within the space of twelve months from the first to the last of such offences, he may be charged with, and tried at one trial for, any number of them not exceeding three.

Three offences
of same kind
within year may
be charged to-
gether.

Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Indian Penal Code, or of any special or local law.

235. I.—If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

I.—Trial for
more than one
offence.

II.—If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, a person accused of them may be charged with and tried at one trial for each of such offences.

II.—Offence
within
definitions.

II.—If several acts, of which one or more than one

III.—Acts constituting one offence, but constituting when combined a different offence. would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with and tried at one trial for the offence constituted by such acts when combined, or for any offence constituted by any one, or more, of such acts.

Nothing contained in this section shall affect the Indian Penal Code, section 71.

Illustrations.

to paragraph I—

(a) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was, A may be charged with, and tried for, offences under sections 225 and 333 of the Indian Penal Code.

(b) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497 of the Indian Penal Code.

(c) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 491 of the Indian Penal Code.

(d) A has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. A may be separately charged with, and convicted of, the possession of each seal under section 473 of the Indian Penal Code.

(e) With intent to cause injury to B, A institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses B of having committed an offence, knowing that there is no just or lawful ground for such charge. A may be separately charged with, and convicted of, two offences under section 211 of the Indian Penal Code.

(f) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under sections 211 and 194 of the Indian Penal Code.

(g) A, with six others, commits the offences of rioting, grievous hurt, and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under sections 147, 325 and 152 of the Indian Penal Code.

(h) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under section 506 of the Indian Penal Code.

The separate charges referred to in Illustrations (a) to (h) respectively may be tried at the same time.

to paragraph II—

(i) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code.

(j) Several stolen sacks of corn are made over to A and B, who know they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code.

(k) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Indian Penal Code.

(l) A dishonestly uses a forged document as genuine evidence, in order to convict B, a public servant, of an offence under section 167 of the Indian Penal Code. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code.

to paragraph III—

(m) A commits robbery on B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code.

236. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

Where it is doubtful what offence has been committed.

Illustration.

A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

237. If, in the case mentioned in section 236, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

When a person is charged with one offence, he can be convicted of another.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust, or of receiving stolen goods (as the case may be), though he was not charged with such offence.

238. When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and such combination is proved but the remaining

When offence proved included in offence charged.

particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence although he is not charged with it.

Nothing in this section shall be deemed to authorize a conviction of any offence referred to in section 198 or section 199 when no complaint has been made as required by that section.

Illustrations.

(a) A is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(b) A is charged under section 325 of the Indian Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of that Code.

239. When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks fit; and the provisions contained in the former part of this chapter shall apply to all such charges.

Illustrations.

(a) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(b) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging

both of them with the robbery, and A alone with the murder.

(c) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

240. When more charges than one are made against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of, such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

Withdrawal of remaining charge on conviction on one of several charges.

CHAPTER XX.

OF THE TRIAL OF SUMMONS-CASES BY MAGISTRATES,

241. The following procedure shall be observed by Magistrates in the trial of summons-cases.

242. When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; but it shall not be necessary to frame a formal charge.

Substance of accusation to be stated.

243. If the accused admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him ; and if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly.

Conviction on admission of truth of accusation.

244. If the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence.

Procedure when no such admission is made.

The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court.

245. If the Magistrate upon taking the evidence referred to in section 244 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

Acquittal.

If he finds the accused guilty, he shall pass sentence upon him according to law.

Sentence.

246. A Magistrate may, under section 243 or section 245, convict the accused of any offence triable under this chapter which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint or summons.

Finding not limited by complaint or summons.

247. If the summons has been issued on complaint,

Non-appearance of complainant. and upon the day appointed for the appearance of the accused or any day subsequent thereto to which the hearing may be adjourned the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day.

248. If a complainant, at any time before a final order is passed in any case under this chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

249. In any case instituted otherwise than upon complaint, a Presidency Magistrate, a Magistrate of the first class, or, with the previous sanction of the District Magistrate, any other Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused.

250. If, in any case instituted upon complaint, a Magistrate acquits the accused under section 245 or section 247, and is of opinion that the complaint was frivolous or vexatious, he may, in his discretion, by his order of acquittal, direct the complainant to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit.

The sum so awarded shall be recoverable as if it were a fine: provided that, if it cannot be realized, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

At the time of awarding compensation in any

subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section.

CHAPTER. XXI.

OF THE TRIAL OF WARRANT-CASES BY MAGISTRATES.

251. The following procedure shall be observed by
Procedure in Magistrates in the trial of warrant-cases.
warrant-cases.

252. When the accused appears or is brought before
Evidence for a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and
prosecution. take all such evidence as may be produced
 in support of the prosecution.

The Magistrate shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before himself such of them as he thinks necessary.

253. If upon taking all the evidence referred to in
Discharge of section 252, and making such examination
accused. (if any) of the accused as the Magistrate
 thinks necessary, he finds that no case
 against the accused has been made out which if unrebut-
 ted would warrant his conviction, the Magistrate shall
 discharge him.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

254. If, when such evidence and examination have
Charge to be been taken and made, the Magistrate is
framed when of opinion that there is ground for pre-
offence appears suming that the accused has committed an
proved. offence triable under this chapter, which

such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

255. The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make.

Plea.

If the accused pleads guilty, the Magistrate shall record the plea, and may in his discretion convict him thereon.

256. If the accused refuses to plead or does not plead, or claims to be tried, he shall be called upon to enter upon his defence and to produce his evidence, and shall, at any time while he is making his defence, be allowed to recall and cross-examine any witness for the prosecution present in the Court or its precincts.

Defence.

If the accused puts in any written statement, the Magistrate shall file it with the record.

257. If the accused applies to the Magistrate to issue any process for compelling the attendance of any witness (whether he has or has not been previously examined in the case) for the purposes of examination or cross-examination, or the production of any document or other thing, the Magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay, or for defeating the ends of justice. Such ground shall be recorded by him in writing.

Process for compelling production of evidence at instance of accused.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

258. If in any case under this chapter in which a charge has been framed the Magistrate finds the accused not guilty, he shall record an order of acquittal.

Acquittal.

If in any such case the Magistrate finds the accused
 Conviction. guilty, he shall pass sentence upon him
 according to law.

259. When the proceedings have been instituted upon
 Absence of com- complaint and upon any day fixed for
 plainant. the hearing of the case the complainant
 is absent and the offence may be lawfully
 compounded, the Magistrate may, in his discretion,
 notwithstanding anything hereinbefore contained, at any
 time before the charge has been framed, discharge the
 accused.

CHAPTER XXII

OF SUMMARY TRIALS.

260. Notwithstanding anything contained in this
 Power to try Code,
 summarily.

- (1) the District Magistrate,
 - (2) any Magistrate of the first class specially empowered in this behalf by the Local Government, and
 - (3) any Bench of Magistrates invested with the powers of a Magistrate of the first class and specially empowered in this behalf by the Local Government may try in a summary way all or any of the following offences :—
- (a) Offences not punishable with death, transportation or imprisonment for a term exceeding six months ;
 - (b) Offences relating to weights and measures, under sections 264, 265 and 266 of the Indian Penal Code ;
 - (c) Hurt, under section 323 of the same Code ;
 - (d) Theft, under section 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed fifty rupees ;

(e) Receiving or retaining stolen property, under section 411 of the same Code, where the value of such property does not exceed fifty rupees ;

(f) Assisting in the concealment or disposal of stolen property, under section 414 of the same Code, where the value of such property does not exceed fifty rupees ;

(g) Mischief, under section 427 of the same Code ;

(h) House-trespass, under section 448 of the same Code ;

(i) Insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506, of the same Code ;

(j) Abetment of any of the foregoing offences ;

(k) An attempt to commit any of the foregoing offences, when such attempt is an offence :

Provided that no case in which a District Magistrate exercises the special powers conferred by section 34 shall be tried in a summary way.

261. The Local Government may confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences :—

(a) Offences against the Indian Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341, 352, 426 and 447.

(b) Offences against Municipal Acts, and the conservancy-clauses of Police Acts, punishable only with fine, or with imprisonment for a term not exceeding one month ;

(c) Abetment of any of the foregoing offences ;

(d) An attempt to commit any of the foregoing offences, when such attempt is an offence.

262. In trials under this chapter, the procedure prescribed for summons-cases shall be followed in summons-cases, and the procedure prescribed for warrant-cases shall be followed in warrant-cases, except as hereinafter mentioned.

Power to invest
Bench of Magis-
trates invested
with less power.

Procedure for
summons and
warrant-cases
applicable.

No sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction under this chapter.

Limit of imprisonment.

263. In cases where no appeal lies, the Magistrate or Bench of Magistrates need not record the evidence of the witnesses or frame a formal charge ; but he or they shall enter in such form as the Local Government may direct the following particulars :—

- (a) the serial number ;
- (b) the date of the commission of the offence ;
- (c) the date of the report or complaint ;
- (d) the name of the complainant (if any) ;
- (e) the name, parentage and residence of the accused ;
- (f) the offence complained of and the offence (if any) proved, and in cases coming under clause (d), clause (e) or clause (f) of section 260 the value of the property in respect of which the offence has been committed ;
- (g) the plea of the accused and his examination (if any) ;
- (h) the finding, and, in the case of a conviction, a brief statement of the reasons therefor ;
- (i) the sentence or other final order ; and
- (j) the date on which the proceedings terminated.

264. In every case tried summarily by a Magistrate or Bench in which an appeal lies, such Magistrate or Bench shall, before passing sentence, record a judgment embodying the substance of the evidence and also the particulars mentioned in section 263.

Record in appealable cases.

Such judgment shall be the only record in cases coming within this section.

265. Records made under section 263 and judgments

Language of record and judgment. recorded under section 264 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately subordinate so directs, in such officer's mother-tongue.

The Local Government may authorize any Bench of Magistrates empowered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

CHAPTER XXIII.

OF TRIALS BEFORE HIGH COURTS AND COURTS OF SESSION.

A.—Preliminary.

266. In this chapter, except in sections 276 and 307, the expression "High Court" means a High Court of Judicature established or to be established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, and includes the Chief Court of the Panjáb, and such other Courts as the Governor General in Council may, by notification in the *Gazette of India*, declare to be High Courts for the purposes of this chapter.

267. All trials under this chapter before a High Court shall be by jury ;

and, notwithstanding anything herein contained, in all criminal cases transferred to a High Court under this Code or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, the trial may, if the High Court so directs, be by jury.

Trials before Court of Session to be by jury or with assessors.

268. All trials before a Court of Session shall be either by jury, or with the aid of assessors.

269. The Local Government may, by order in the Official Gazette, direct that the trial of all offences, or of any particular class of offences, before any Court of Session, shall be by jury in any District, and may revoke or alter such order.

Local Government may order trials before Court or Session to be by jury.

When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for *such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury.

Trial before Court of Session to be conducted by Public Prosecutor.

270. In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.

B.—Commencement of Proceedings.

271. When the Court is ready to commence the trial, the accused shall appear or be brought before it, and the charge shall be read out in Court and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Commencement of trial.

If the accused pleads guilty, the plea shall be recorded, and he may be convicted thereon.

272. If the accused refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors or assessors as hereinafter directed and to try the case:

Refusal to plead or claim to be tried.

Provided that, subject to the right of objection hereinafter mentioned, the same jury may try, or the same assessors may aid in the trial of, as many accused persons successively as the Court thinks fit.

Trial by same jury or assessors of several offenders in succession.

* See Sec. 9, Act X of 1886.

273. In trials before the High Court, when it appears to the High Court, at any time before the commencement of the trial of the person charged, that any charge or any portion thereof is clearly unsustainable, the Judge may make on the charge an entry to that effect.

Entry on unsustainable charge.

Such entry shall have the effect of staying proceedings upon the charge or portion of the charge, as the case may be.

Effect of entry.

C.—Choosing a Jury.

274. In trials before the High Court the jury shall consist of nine persons.

Number of jury.

In trials by jury before the Court of Session, the jury shall consist of such uneven number not being less than three, or more than nine, as the Local Government, by order applicable to any particular district, or to any particular class of offences in that district, may direct.

275. In a trial by jury, before the Court of Session of a person not being an European or an American, a majority of the jury shall, if he so desires, consist of persons who are neither Europeans nor Americans.

Jury for trial of persons not Europeans or Americans before Court of Session.

276. The jurors shall be chosen by lot from the persons summoned to act as such, in such manner as the High Court may from time to time by rule direct :

Jurors to be chosen by lot.

Proviso.

Provided that—

first, pending the issue under this section of rules for any Court, the practice now prevailing in such Court in respect to the choosing of jurors shall be followed ;

Existing practice maintained.

secondly, in case of a deficiency of persons summoned, the number of jurors required may, with the leave of the Court, be chosen from such other persons as may be present ; and

Persons not summoned when eligible.

Trials before special jurors. *thirdly*, in the Presidency-towns—

(a) if the accused person is charged with having committed an offence punishable with death, or

(b) if in any other case a Judge of the High Court so directs,

the jurors shall be chosen from the special jury list hereinafter prescribed.

277. As each juror is chosen, his name shall be called aloud, and, upon his appearance, the accused shall be asked if he objects to be tried by such juror.

Names of jurors to be called.

Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated :

Objection to jurors.

Provided that, in the High Court, objections without grounds stated shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

Objection without grounds stated.

278. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed :—

Grounds of objection.

(a) some presumed or actual partiality in the juror ;

(b) some personal ground, such as alienage, deficiency in the qualification required by any law or rule having the force of law for the time being in force, or being under the age of twenty-one or above the age of sixty years ;

(c) his having by habit or religious vows relinquished all care of worldly affairs ;

(d) his holding any office in or under the Court ;

(e) his executing any duties of police or being entrusted with police-duties ;

(f) his having been convicted of any offence which, in the opinion of the Court, renders him unfit to serve on the jury ;

(g) his inability to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted ;

(h) any other circumstance which, in the opinion of the Court, renders him improper as a juror.

279. Every objection taken to a juror shall be decided by the Court, and such decision shall be recorded and be final.

Decision of
objection.

If the objection is allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons and chosen in manner provided by section 276 ; or, if there is no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided that no objection to such juror or other person is taken under section 278 and allowed.

Supply of place
of juror against
whom objection
allowed.

280. When the jurors have been chosen, they shall appoint one of their number to be foreman.

Foreman of jury.

The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the Court that is required by the jury or any of the jurors.

If a majority of the jury do not, within such time as the Judge thinks reasonable, agree in the appointment of a foreman, he shall be appointed by the Court.

281. When the foreman has been appointed, the jurors shall be sworn under the Indian Oaths Act, 1873.

Swearing of
jurors.

282. If, in the course of a trial by jury, at any time before the return of the verdict any juror, from any sufficient cause, is prevented from attending throughout the trial,

Procedure when
juror ceases to
attend, &c.

or if any juror absents himself, and it is not practicable to enforce his attendance, or if it appears that any juror is unable to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted, a new juror shall be added, or the jury shall be discharged and a new jury chosen.

In each of such cases the trial shall commence anew.

283. The Judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar.

Discharge of jury in case of sickness of prisoner.

D.—Choosing Assessors.

284. When the trial is to be held with the aid of assessors, two or more shall be chosen, as the Judge thinks fit, from the persons summoned to act as such.

Assessors how chosen.

285. If, in the course of a trial with the aid of assessors, at any time before the finding, any assessor is, from any sufficient cause, prevented from attending throughout the trial, or absents himself, and it is not practicable to enforce his attendance, the trial shall proceed with the aid of the other assessor or assessors.

Procedure when assessor is unable to attend.

If all the assessors are prevented from attending, or absent themselves, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

E.—Trial to Close of Cases for Prosecution and Defence.

286. When the jurors or assessors have been chosen the prosecutor shall open his case and reading from the Indian Penal Code, or other law, the description of the offence charged, when

Opening case for prosecution.

stating shortly by what evidence he expects to prove the guilt of the accused.

Examination of witnesses. The prosecutor shall then examine his witnesses.

287. The examination of the accused duly recorded by or before the committing Magistrate shall be tendered by the prosecutor and read as evidence.

Examination of accused before Magistrate to be evidence.

288. The evidence of a witness duly taken in the presence of the accused before the committing Magistrate may, in the discretion of the presiding Judge, if such witness is produced and examined, be treated as evidence in the case.

Evidence given at preliminary inquiry admissible.

289. When the examination of the witnesses for the prosecution and the examination (if any) of the accused are concluded, the accused shall be asked whether he means to adduce evidence.

Procedure after examination of witnesses for prosecution.

If he says that he does not, the prosecutor may sum up his case; and if the Court considers that there is no evidence that the accused committed the offence, it may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused or any one of several accused says that he means to adduce evidence and the Court considers that there is no evidence that the accused committed the offence, the Court may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused or any one of several accused says that he means to adduce evidence, and the Court considers there is evidence that he committed the offence, ^{juror attend, &c.} his saying that he does not mean to adduce

vidence, the prosecutor sums up his case and the Court considers that there is evidence that the accused committed the offence, the Court shall call on the accused to enter on his defence.

290. The accused or his pleader may then open his case, stating the facts or law on which he intends to rely, and making such comments as he thinks necessary on the evidence for the prosecution. He may then examine his witnesses (if any) and after their cross-examination and re-examination (if any) may sum up his case.

291. The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance ; but he shall not, except as provided in sections 211 and 231, be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

292. If the accused, or any of the accused, has stated, when asked under section 289, that he means to adduce evidence, the prosecutor shall be entitled to reply.

293. Whenever the Court thinks that the jury or assessors should view the place in which the offence charged is alleged to have been committed, or any other place in which any other transaction material to the trial is alleged to have occurred, the Court shall make an order to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court.

Such officer shall not, except with the permission of the Court, suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and, unless the Court otherwise directs, they shall, when

the view is finished, be immediately conducted back into Court.

294. If a juror or assessor is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be sworn, examined, cross-examined and re-examined in the same manner as any other witness.

295. If a trial is adjourned, the jury or assessors shall attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

296. The High Court may, from time to time, make rules as to keeping the jury together during a trial before such Court lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

F.—Conclusion of Trial in Cases tried by Jury.

297. In cases tried by jury, when the case for the defence, and the prosecutor's reply (if any) are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

298. In such cases, it is the duty of the Judge—

(a) to decide all questions of law arising in the course of the trial, and specially all questions as to the relevancy of facts which it is proposed to prove, and the admissibility of evidence or the propriety of questions asked by or on behalf of the parties ; and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties ;

(b) to decide upon the meaning and construction of all documents given in evidence at the trial ;

(c) to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given ;

(d) to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall bind the jurors.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(a) It is proposed to prove a statement made by a person not being a witness in the case, on the ground that circumstances are proved which render evidence of such statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(b) It is proposed to give secondary evidence of a document the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

Duty of Jury. 299. It is the duty of the jury—

(a) to decide which view of the facts is true, and then to return the verdict which under such view ought according to the direction of the Judge, to be returned ;

(b) to determine the meaning of all technical terms (other than terms of law) and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not ;

(c) to decide all questions which according to law are to be deemed questions of fact ;

(d) to decide whether general indefinite expressions do or do not apply to particular cases, unless such

expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(a) A is tried for the murder of B.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts A ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(b) The question is whether a person entertained a reasonable belief on a particular point,—whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

300. In cases tried by jury, after the Judge has finished his charge, the jury may retire to consider their verdict.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

301. When the jury have considered their verdict the foreman shall inform the Judge what is their verdict, or what is the verdict of a majority.

302. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

303. Unless otherwise ordered by the Court, the jury shall return a verdict on all the charges on which the accused is tried, and the Judge may ask them such questions as are necessary to ascertain what their verdict is.

Questions and answers to be recorded.

Such questions and the answers to them shall be recorded.

304. When by accident or mistake a wrong verdict is delivered, the jury may, before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended.

305. When in a case tried before a High Court the jury are unanimous in their opinion, or when as many as six are of one opinion and the Judge agrees with them, the Judge shall give judgment in accordance with such opinion.

When in any such case the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

If the Judge disagrees with the majority, he shall at once discharge the jury.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

306. When in a case tried before the Court of Session the Judge does not think it necessary to express disagreement with the verdict of the jurors or of a majority of the jurors, he shall give judgment accordingly.

If the accused is acquitted, the Judge shall record judgment of acquittal. If the accused is convicted, the Judge shall pass sentence on him according to law.

307. If in any such case the Sessions Judge disagrees with the verdict of the jurors, or of a majority of the jurors, on all or any of the charges on which the accused has been tried, so completely that he considers it necessary for the ends of justice to submit the case to

the High Court, he shall submit the case accordingly, recording the grounds of his opinion, and, when the verdict is one of acquittal, stating the offence which he considers to have been committed.

Whenever the Judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which the accused has been tried, but he may either remand the accused to custody or admit him to bail.

In dealing with the case so submitted the High Court may exercise any of the powers which it may exercise on an appeal; but it may acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it; and, if it convicts him, may pass such sentence as might have been passed by the Court of Session.

G.—Re-trial of Accused after Discharge of Jury.

308. Whenever the jury is discharged, the accused shall be detained in custody or on bail (as the case may be), and shall be tried by another jury, unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

H.—Conclusion of Trial in Cases tried with Assessors.

309. When, in a case tried with the aid of assessors, the case for the defence and the prosecutor's reply (if any) are concluded, the Court may sum up the evidence for the prosecution and defence, and shall then require each of the assessors to state his opinion orally, and shall record such opinion.

The Judge shall then give judgment; but in doing so shall not be bound to conform to the opinions of the assessors.

If the accused is convicted, the Judge shall pass sentence on him according to law.

I.—Procedure in Case of Previous Conviction.

310. In the case of a trial by jury or with the aid of assessors, where the accused is charged with an offence committed after a previous conviction, for any offence, the procedure laid down in sections 271, 286, 305, 306 and 309 shall be modified as follows :—

(a) The part of the charge stating the previous conviction shall not be read out in Court, nor shall the accused be asked whether he has been previously convicted as alleged in the charge, unless and until he has either pleaded guilty to, or been convicted of, the subsequent offence.

(b) If he pleads guilty to, or is convicted of, the subsequent offence, he shall then be asked whether he has been previously convicted, as alleged in the charge.

(c) If he answers that he has been so previously convicted the Judge may proceed to pass sentence on him accordingly ; but, if he denies that he has been so previously convicted, or refuses to, or does not, answer such question, the jury or the Court and the assessors (as the case may be) shall then inquire concerning such previous conviction, and in such case (where the trial is by jury) it shall not be necessary to swear the jurors again.

J.—List of Jurors for High Court, and summoning Jurors for that Court.

311. In each Presidency-town, the jurors' book for the year current when this Code comes into force shall be taken as containing a correct list of persons liable to serve as jurors under this chapter.

Those persons whose names are entered in the jurors' book as being liable to serve on special juries only shall be deemed to be persons

Exemption of special jurors.

privileged and liable to serve only as special jurors under this chapter during the year for which the said list has been prepared.

312. The names of not more than four* hundred persons shall at any one time be entered in the special jurors' list.

Number of
special jurors.

313. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare—

Lists of common
and special ju-
rors.

(a) a list of all persons liable to serve as common jurors; and

(b) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council in the case of the High Court at Calcutta, and, in the case of other High Courts, the Local Government, may exempt any salaried officer of Government from serving as a juror.

The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

Discretion of
officer preparing
lists.

314. Preliminary lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the Clerk of the Crown, shall be published once in the local Official Gazette before the fifteenth day of April next after their preparation.

Publication of
lists, preliminary
and revised.

* See Sec. 3 Act No. V of 1887.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local Official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

315. Out of the persons named in the revised lists aforesaid, there shall be summoned for each Sessions in each Presidency-town at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

Number of
jurors to be sum-
moned in Presi-
dency-town.

No person shall be so summoned more than once in six months unless the number cannot be made up without him.

If, during the continuance of any sessions, it appears that the number of persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such Sessions.

Supplementary
summons.

316. Whenever a High Court has given notice of its intention to hold sittings at any place outside the Presidency-towns for the exercise of its original criminal jurisdiction, the Court of Session at such place shall, subject to any direction which may be given by the High Court, summon a sufficient number of jurors from its own list, in the manner hereinafter prescribed for summoning jurors to the Court of Session.

Summoning
jurors outside
the Presidency-
towns.

317. In addition to the persons so summoned as jurors, the said Court of Session shall, if it thinks needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-commissioned officers in Her Majesty's Army resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of persons charged with offences before the High Court as aforesaid.

Military jurors.

All officers so summoned shall be liable to serve on such juries notwithstanding anything contained in this Code ; but no such officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

318. Any person summoned under section 315, section 316 or section 317, who without lawful excuse fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable by order of the Judge to such fine as he thinks fit ; and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

K.—List of Jurors and Assessors for Court of Session, and summoning Jurors and Assessors for that Court.

319. All male persons between the ages of twenty-one and sixty shall, except as next hereinafter mentioned, be liable to serve as jurors or assessors at any trial held within the District in which they reside.

320. The following persons are exempt from liability to serve as jurors or assessors, namely :—

(a) officers in civil employ superior in rank to a District Magistrate ;

(b) Judges ;

(c) Commissioners and Collectors of Revenue or Customs ;

(d) Persons engaged in the Preventive Service in the Customs Department ;

(e) Persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty ;

(f) Persons actually officiating as priests or ministers of their respective religions ;

(g) Persons in Her Majesty's army, except when, by any law in force for the time being, they are specially made liable to serve as jurors or assessors ;

(h) Surgeons and others who openly and constantly practise the medical profession ;

(i) Persons employed in the Post-office and Telegraph Departments ;

(j) Persons exempted from personal appearance in Court under the provisions of the Code of Civil Procedure, sections 640 and 641 ;

(k) Other persons exempted by the Local Government from liability to serve as jurors or assessors.

321. The Sessions Judge, and the Collector of the District or such other officer as the Local Government appoints in this behalf, shall

prepare and make out in alphabetical order a list of persons liable to serve as jurors or assessors and qualified in the judgment of the Sessions Judge and Collector or other officer as aforesaid to serve as such, and not likely to be successfully objected to under section 278, clauses (b) to (h), both inclusive.

The list shall contain the name, place of abode and quality or business of every such person ; and if the person is an European or an American, the list shall mention the race to which he belongs.

322. Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid, and in the Court-houses of the District Magistrate and of the District Court, and in some conspicuous place in the town or towns in or near which the persons named in the list reside.

323. To every such copy shall be subjoined a notice stating that objections to the list will be heard and determined by the Sessions Judge and Collector or other officer as aforesaid, at the

Sessions Court-house, and at a time to be mentioned in the notice.

324. For the hearing of such objections, the Sessions Judge shall sit with the Collector or other officer as aforesaid, and shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may establish his right to any exemption from service given by section 320, and insert the name of any person omitted from the list whom they deem qualified for such service.

In the event of a difference of opinion between the Sessions Judge and the Collector or other officer as aforesaid, the name of the proposed juror or assessor shall be omitted from the list.

A copy of the revised list shall be signed by the Sessions Judge and Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Sessions Judge and Collector or other officer as aforesaid in preparing and revising the list shall be final.

Any exemption not claimed under this section shall be deemed to be waived until the list is next revised.

325. The list so prepared and revised shall be again revised once in every year.

The list so revised shall be deemed a new list, and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

326. The Sessions Judge shall ordinarily, three days at least before the day which he may from time to time fix for holding the sessions, send a letter to the District Magistrate requesting him to summon as

District Magistrate to summon jurors and assessors.

many persons named in the said revised list as seem to the Sessions Judge to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any such trial.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them; and the names so drawn shall be specified in the said letter.

327. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 326, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever for other reasons such direction is found to be necessary.

Power to summon another set of jurors or assessors.

328. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor, as the case may be, at a time and place to be therein specified.

Form and service of summons.

329. When any person summoned to serve as a juror or assessor is in the service of Government or of a Railway Company, the Court to serve in which he is so summoned may excuse his attendance if it appears, on the representation of the head of the office in which he is employed, that he cannot serve as a juror or assessor, as the case may be, without inconvenience to the public.

When Government or Railway servant may be excused.

330. The Court of Session may, for reasonable cause, excuse any juror or assessor from attendance at any particular session.

Court may excuse attendance of juror or assessor.

331. At each session, the said Court shall cause to be made a list of the names of those who have attended as jurors and assessors at such session.

List of jurors and assessors attending.

Such list shall be kept with the list of the jurors and assessors as revised under section 324.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

332. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Court or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable, by order of the Court of Session, to a fine not exceeding one hundred rupees.

Such fine shall be levied by the District Magistrate by attachment and sale of any moveable property belonging to such juror or assessor within the local limits of the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may by order of the Court of Session be imprisoned in the civil jail for the term of fifteen days, unless such fine is paid before the end of the said term.

L.—Special Provisions for High Courts.

333. At any stage of any trial before a High Court under this Code before the return of the verdict, the Advocate-General may, if he thinks fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the charge; and thereupon all proceedings on such charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal unless the presiding Judge otherwise directs.

334. For the exercise of its original criminal jurisdiction,

Time of holding sittings. every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Place of holding sittings. 335. The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor General in Council in the case of the High Court at Fort William, or the Local Government in the case of the other High Courts, may direct.

But it may, from time to time, in the case of the High Court at Fort William with the consent of the Governor General in Council, and in all other cases with the consent of the Local Government, hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Notice of sittings. Such officer as the Chief Justice directs shall give notice beforehand in the local Official Gazette of all sittings intended to be held for the exercise of the original criminal jurisdiction of the High Court.

Place of trial of European British subjects. 336. The High Court may direct that all European British subjects and persons liable to be tried by it under section 214, who have been committed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court,

or direct that they shall be tried at a particular place named.

CHAPTER XXIV.

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS.

Tender of pardon to accomplice. 337. In the case of any offence triable exclusively by the Court of Session or High Court, the District Magistrate, a Presidency Magistrate, any Magistrate of the first class

inquiring into the offence, or, with the sanction of the District Magistrate, any other Magistrate, may, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence under inquiry, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned, whether as principal or abettor in the commission thereof.

Every person accepting a tender under this section shall be examined as a witness in the case.

Such person, if not on bail, shall be detained in custody until the termination of the trial by the Court of Session or High Court, as the case may be.

Every Magistrate, other than a Presidency Magistrate, who tenders a pardon under this section, shall record his reasons for so doing; and when any Magistrate has made such tender and examined the person to whom it has been made, he shall not try the case himself, although the offence which the accused appears to have committed may be triable by such Magistrate.

338. At any time after commitment, but before judgment is passed, the Court to which the commitment is made may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or order the committing Magistrate or the District Magistrate to tender, a pardon on the same condition to such person.

339. Where a pardon has been tendered under section 337 or section 338, and any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false evidence, not complied with the condition on which the tender

Commitment of person to whom pardon has been tendered.

was made, he may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter.

The statement made by a person who has accepted a tender of pardon may be given in evidence against him when the pardon has been withdrawn under this section.

No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the High Court.

340. Every person accused before any Criminal Court may of right be defended by a pleader.

341. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and, in the case of a Court other than a High Court, if such inquiry results in a commitment, or if such trial results in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

342. For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial, without previously warning the accused, put such questions to him as the Court considers necessary, and shall, for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined, and before he is called on for his defence.

The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court and the jury (if any) may draw such inference from such refusal or answers as it thinks just.

The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

No oath shall be administered to the accused.

343. Except as provided in sections 337 and 338, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

No influence to be used to induce disclosures.

344. If, from the absence of a witness or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, the Court may, by order in writing, stating the reasons therefor, from time to time postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may remand by a warrant remand the accused if in custody ;

Power to postpone or adjourn proceedings.

Remand.

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time,

Every order made under this section by a Court other than a High Court shall be in writing signed by the presiding Judge or magistrate.

EXPLANATION.—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Reasonable cause for remand.

345. The offences punishable under the sections of

Compounding the Indian Penal Code described in the offences. first two columns of the Table next following may be compounded by the persons mentioned in the third column of that Table :—

Offence.	Sections of Indian Penal Code applicable.	Person by whom offence may be compounded.
Uttering words, &c., with deliberate intent to wound the religious feelings of any person.	298	The person whose religious feelings are intended to be wounded.
Causing hurt	323, 334	The person to whom the hurt is caused.
Wrongfully restraining or confining any person.	341, 342	The person restrained or confined.
Assault or use of criminal force.	352, 355, 358	The person assaulted or to whom criminal force is used.
Unlawful compulsory labour.	374	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person.	426, 427	The person to whom the loss or damage is caused.
Criminal trespass ...	447	The person in possession of the property trespassed upon.
House-trespass ..	448	

Offence.	Sections of Indian Penal Code applicable.	Person by whom offence may be compounded.
Criminal Breach of Contract of service.	490, 491, 492	The person with whom the offender has contracted.
Adultery	497	The husband of the woman.
Enticing or taking away or detaining with a criminal intent a married woman	498	
Defamation	500	The person defamed.
Printing or engraving matter knowing it to be defamatory	501	
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	502	
Insult intended to provoke a breach of the peace ...	504	The person insulted.
Criminal intimidation, except when the offence is punishable with imprisonment for seven years	506	The person intimidated.

The offence of voluntarily causing hurt, voluntarily causing grievous hurt, causing hurt by an act which endangers life, or causing grievous hurt by an act which

endangers life, punishable under section 324, section 335, section 337, or section 338 of the Indian Penal Code, may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused.

When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot or a lunatic, any person competent to contract on his behalf may compound such offence.

The composition of an offence under this section shall have the effect of an acquittal of the accused.

No offence not mentioned in this section shall be compounded.

346. If, in the course of an inquiry or a trial before a Magistrate in any district outside the Presidency-towns, the evidence appears to him to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to any Magistrate to whom he is subordinate, or to such other Magistrate, having jurisdiction, as the District Magistrate directs.

Procedure of
Provincial Ma-
gistrate in cases
which he can-
not dispose of.

The Magistrate to whom the case is submitted may, if empowered, either try the case himself, or refer it to any Magistrate subordinate to him having jurisdiction, or commit the accused for trial.

347. If in any inquiry before a Magistrate, or in any

Procedure when
after commence-
ment of inquiry
or trial Magis-
trate finds case
should be com-
mitted.

trial before a Magistrate before signing judgment, it appears to him at any stage of the proceedings that the case is one which ought to be tried by the Court of Session or High Court, and if he is empowered to commit for trial, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained.

If such Magistrate is not empowered to commit for trial, he shall proceed under section 346.

348. Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Magistrate before whom he is accused considers him an habitual offender, be committed to the Court of Session or High Court, as the case may be ; or, in districts in which the District Magistrate has been invested with powers under section 30, placed on his trial before such Magistrate.

Procedure when
Magistrate can-
not pass sentence
sufficiently
severe.

349. Whenever a Magistrate of the second or third class, having jurisdiction, is of opinion, after hearing the evidence for the prosecution and the accused, that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, or that he ought to be required to execute a bond under section 106, he may record the opinion and submit his proceedings, and forward the accused, to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate.

The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence

in the case, and may call for and take any further evidence ; and shall pass such judgment, sentence or order in the case as he thinks fit, and as is according to law : provided that he shall not inflict a punishment more severe than he is empowered to inflict under sections 32 and 33.

350. Whenever any Magistrate, after having heard and recorded the whole or any part of the evidence in an enquiry or a trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself ; or he may re-summon the witnesses and re-commence the inquiry or trial :

Provided as follows :—

(a) In any trial, the accused may, when the second Magistrate commences his proceedings, demand that the witnesses or any of them be re-summoned and re-heard :

(b) The High Court, or, in cases tried by Magistrates subordinate to the District Magistrate, the District Magistrate, may, whether there be an appeal or not, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court or District Magistrate is of opinion that the accused has been materially prejudiced thereby ; and may order a new inquiry or trial.

Nothing in this section applies to cases in which proceedings have been stayed under section 346.

351. Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of examination, for any offence

Detention of
leaders attend-
g Court.

of which such Court can take cognizance and which, from the evidence, he may appear to have committed; and may be proceeded against as though he had been arrested or summoned.

When the detention takes place in the course of an inquiry under Chapter XVIII, or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard.

352. The place in which any Criminal Court is held Courts to be open. for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them :

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXV.

OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS.

353. Except as otherwise expressly provided, all Evidence to be taken in presence of accused. evidence taken under Chapters XVIII, XX, XXI, XXII and XXIII shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

354. In inquiries and trials (other than summary trials) under this Code by or before a Magistrate (other than a Presidency Magistrate) or Sessions Judge, the evidence of the witnesses shall be recorded in the following manner. Manner of recording evidence outside Presidency towns.

355. In summons-cases tried before a Magistrate, other than a Presidency Magistrate, and in cases of the offences mentioned in section 260, clauses (b) to (k), both inclusive, when tried by a Magistrate of the first or second class, the Magistrate shall make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same; and such memorandum shall form part of the record.

356. In all other trials before Courts of Session and Magistrates (other than Presidency Magistrates) and in all inquiries under Chapters XII and XVIII, the evidence of each witness shall be taken down in writing in the language of the Court, by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate or Sessions Judge.

When the evidence of such witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

In cases in which the evidence is not taken down in

Memorandum when evidence not taken down by the Magistrate or Judge himself.

writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes ; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

357. The Local Government may direct that in any district or part of a district, or in proceedings before any Court of Session, or before any Magistrate or class of Magistrates, the evidence of each witness shall in the cases referred to in section 356 be taken down by the Sessions Judge or Magistrate with his own hand and in his mother-tongue, unless he is prevented by any sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

The evidence so taken down shall be signed by the Sessions Judge or Magistrate, and shall form part of the record :

Provided that the Local Government may direct the Sessions Judge or Magistrate to take down the evidence in the English language, or in the language of the Court, although such language is not his mother-tongue.

358. In cases of the kind mentioned in section 355, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 356, or, if within the local limits of the jurisdiction of such Magistrate the Local Government has made the order referred to in section 357, in the manner provided in the same section.

Option to Magistrate in cases under section 355.

359. Evidence taken under section 356 or section 357 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

Mode of recording evidence under section 356 or section 357.

The Magistrate or Sessions Judge may, in his discretion, take down, or cause to be taken down, any particular question and answer.

360. As the evidence of each witness taken under section 356 or section 357 is completed, it shall be read over to him in the presence of the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

Procedure in regard to such evidence when completed.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands.

361. Whenever any evidence is given in a language not understood by the accused and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

Interpretation of evidence to accused or his pleader.

If he appears by pleader and the evidence is given in language other than the language of the Court, and not understood by the pleader, it shall be interpreted to such pleader in that language.

When documents are put in for the purpose of formal

proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

362. In every case in which a Presidency Magistrate imposes a fine exceeding two hundred rupees, or imprisonment for a term exceeding six months, he shall either take down the evidence of the witnesses with his own hand, or cause it to be taken down in writing from his dictation in open Court. All evidence so taken down shall be signed by the Magistrate and shall form part of the record.

Record of evidence in Presidency Magistrates' Courts.

Evidence so taken down shall ordinarily be recorded in the form of a narrative, but the Magistrate may, in his discretion, take down, or cause to be taken down, any particular question or answer.

Sentences passed under section 35 on the same occasion shall, for the purposes of this section, be considered as one sentence.

363. When a Sessions Judge or Magistrate has recorded the evidence of a witness he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination.

Remarks respecting demeanour of witness.

364. Whenever the accused is examined by any Magistrate, or by any Court other than a High Court established by Royal Charter or the Chief Court of the Panjab, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in the language of the Court or English; and such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

Examination of accused how recorded.

When the whole is made conformable to what he

declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing, and that the record contains a full and true account of the statement made by the accused.

In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, unless he is a Presidency Magistrate, as the examination proceeds, to make a memorandum thereof in the language of the Court, or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

Nothing in this section shall be deemed to apply to the examination of an accused person under section 263.

365. Every High Court established by Royal Charter and the Chief Court of the Panjab may, Record of evidence in High Court, from time to time, by general rule, prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

CHAPTER XXVI.

OF THE JUDGMENT.

366. The judgment in every trial in any Criminal Mode of delivering judgment. Court of original jurisdiction shall be pronounced in open Court either immediately or at some subsequent time of which due notice shall be given to the parties or their pleaders; and the accused shall, if in custody, be brought up, or if not in

custody shall be required to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only, in which case it may be pronounced in the presence of his pleader.

367. Every such judgment shall, except as otherwise
 Language of judgment. expressly provided by this Code, be written by the presiding officer of the Court in the language of the Court, or in English; and shall contain the point or points for determination, the Contents of judgment. decision thereon, and the reasons for the decision; and shall be dated and signed by the presiding officer in open Court at the time of pronouncing it.

It shall specify the offence (if any) of which, and the section of the Indian Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.

When the conviction is under the Indian Penal Code,
 Judgment in alternative. and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative.

If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty.

If the accused is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death, the Court shall in its judgment state the reason why sentence of death was not passed:

Provided that, in trials by jury, the Court need not write a judgment, but the Court of Session shall record the heads of the charge to the jury.

368. When any person is sentenced to death, the
 Sentence of death. sentence shall direct that he be hanged by the neck till he is dead.

No sentence of transportation shall specify the place
 Sentence of to which the person sentenced is to be
 transportation. transported.

369. No Court, other than a High Court, when it
 Court not to has signed its judgment shall alter or
 alter judgment. review the same, except as provided in
 section 395 or to correct a clerical error.

370. Instead of recording a judgment in manner
 Presidency Ma- hereinbefore provided, a Presidency Magis-
 gistrate's judg- trate shall record the following particu-
 ment. lars :—

- (a) the serial number of the case ;
- (b) the date of the commission of the offence ;
- (c) the name of the complainant (if any) ;
- (d) the name of the accused person, and (except in
 the case of an European British subject) his parentage
 and residence ;
- (e) the offence complained of or proved ;
- (f) the plea of the accused and his examination (if
 any) ;
- (g) the final order ;
- (h) the date of such order ; and
- (i) in all cases in which the Magistrate inflicts impris-
 onment, or fine exceeding two hundred rupees, or both,
 a brief statement of the reasons for the conviction.

371. The judgment shall be explained to the accused,
 Judgment to be and on his application a copy of the judg-
 explained and ment, or, when he so desires, a translation
 copy given to in his own language, if practicable, or in
 accused. the language of the Court, shall be given
 to him without delay. Such copy shall, in any case other
 than a summons-case, be given free of cost.

In trials by jury in a Court of Session, a copy of the
 heads of the charge to the jury shall, on the application

of the accused, be given to him without delay and free of cost.

When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Case of person sentenced to death.

372. The original judgment shall be filed with the record of proceedings, and where the original is recorded in a different language from that of the Court, and the accused so requires, a translation thereof into the language of the Court shall be added to such record.

373. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence (if any) to the District Magistrate within the local limits of whose jurisdiction the trial was held.

Court of Session to send copy of finding and sentence to District Magistrate.

CHAPTER XXVII.

OF THE SUBMISSION OF SENTENCES FOR CONFIRMATION.

374. When the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

Sentence of death to be submitted by Court of Session.

375. If when such proceedings are submitted the High Court thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself, or direct it to be made or taken by the Court of Session.

Power to direct further inquiry to be made or additional evidence to be taken.

Such inquiry shall not be made nor shall such evidence be taken in the presence of jurors or assessors, and,

unless the High Court otherwise directs, the presence of the convicted person may be dispensed with when the same is made or taken.

When the inquiry and the evidence (if any) are not made and taken by the High Court, the result of such inquiry and the evidence shall be certified to such Court.

Power of High Court to confirm sentence or annul conviction.

376. In any case submitted under section 374, whether tried with the aid of assessors or by jury, the High Court—

(a) may confirm the sentence, or pass any other sentence warranted by law, or

(b) may annul the conviction, and convict the accused of any offence of which the Sessions Court might have convicted him, or order a new trial on the same or an amended charge, or

(c) may acquit the accused person :

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

377. In every case so submitted, the confirmation of the sentence, or any new sentence or order passed by the High Court, shall, when such Court consists of two or more Judges, be made, passed and signed by at least two of them.

Confirmation of new sentence to be signed by two Judges.

378. When any such case is heard before a Bench of Judges and such Judges are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure in case of difference of opinion.

379. In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order, under the seal of the High Court, and attested with his official signature, to the Court of Session.

Procedure in cases submitted to High Court for confirmation.

380. When a sentence passed by an Assistant Sessions Judge or by a District Magistrate acting under section 34 is submitted to a Sessions Judge for confirmation, such Sessions Judge—

(a) may confirm the sentence, or pass any other sentence which the lower Court might have passed ; or

(b) may annul the conviction, and convict the accused of any offence of which the lower Court might have convicted him, or order a new trial on the same or an amended charge ; or

(c) may acquit the accused ; or

(d) if he thinks further inquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, he may make such inquiry or take such evidence himself, or direct such inquiry or evidence to be made or taken.

Unless the Court of Sessions otherwise directs, the presence of the convicted person may be dispensed with when such inquiry is made or evidence taken ; and, when the sentence has been submitted by an Assistant Sessions Judge, such inquiry shall not be made, nor shall such evidence be taken, in the presence of jurors or assessors.

When the inquiry and the evidence (if any) are not made and taken by the Court of Sessions, the result of such inquiry and the evidence shall be certified to such Court.

CHAPTER XXVIII

OF EXECUTION.

381. When a sentence of death passed by a Court of Session is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Execution of order passed under section 376.

382. If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence to transportation for life.

Postponement of capital sentence on pregnant woman.

383. Where the accused is sentenced to transportation or imprisonment in cases other than those provided for by section 381, the Court passing the sentence shall forthwith forward a warrant to the jail in which he is to be confined, and, unless the accused is already confined in such jail, shall forward him to such jail, with the warrant.

Execution of sentences of transportation or imprisonment in other cases.

384. Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined.

Direction of warrant for execution.

385. When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor.

Warrant with whom to be lodged.

386. Whenever an offender is sentenced to pay a fine, the Court passing the sentence may, in its discretion, issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, although the sentence

Warrant for levy of fine.

directs that, in default of payment of the fine, the offender shall be imprisoned.

387. Such warrant may be executed within the local limits of the jurisdiction of such Court, and it shall authorize the distress and sale of any such property without such limits, when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

388. When an offender has been sentenced to fine only, and to imprisonment in default of payment of the fine, and the Court issues a warrant under section 386, it may suspend the execution of the sentence of imprisonment and may release the offender on his executing a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return to such warrant, such day not being more than fifteen days from the time of executing the bond; and in the event of the fine not having been realized the Court may direct the sentence of imprisonment to be carried into execution at once.

389. Every warrant for the execution of any sentence may be issued either by the Judge or Magistrate who passed the sentence or by his successor in office.

390. When the accused is sentenced to whipping only, the sentence shall be executed at such place and time as the Court may direct.

391. When the accused is sentenced to whipping in addition to imprisonment in a case which is subject to appeal, the whipping shall not be inflicted until fifteen days from the date of the sentence, or, if an appeal be made within that time, until the sentence is

confirmed by the Appellate Court: but the whipping shall be inflicted as soon as practicable after the expiry of the fifteen days, or, in case of an appeal, as soon as practicable after the receipt of the order of the Appellate Court confirming the sentence.

The whipping shall be inflicted in the presence of the officer in charge of the jail: unless the Judge or Magistrate orders it to be inflicted in his own presence.

392. In the case of a person of or over sixteen years of age, whipping shall be inflicted with a light ratan not less than half an inch in diameter, in such mode, and on such part of the person, as the Local Government directs; and, in the case of a person under sixteen years of age, it shall be inflicted in the way of school-discipline with a light ratan.

Mode of inflicting punishment.
Limit of number of stripes.

In no case shall such punishment exceed thirty stripes.

393. No sentence of whipping shall be executed by instalments; and none of the following persons shall be punishable with whipping (namely):—

Not to be executed by instalments. Exemptions.

- (a) females;
- (b) males sentenced to death, or to transportation, or to penal servitude, or to imprisonment for more than five years;
- (c) males whom the Court considers to be more than forty-five years of age.

394. The punishment of whipping shall not be inflicted unless a Medical Officer, if present, certifies, or, if there is not a Medical Officer present, unless it appears to the Magistrate or officer present, that the offender is in a fit state of health to undergo such punishment.

Whipping not to be inflicted if offender not in fit state of health.

If, during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the Magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Stay of execution.

395. In any case in which, under section 394, a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding twelve months, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

Procedure if punishment cannot be inflicted under section 394.

Nothing in this section shall be deemed to authorize any Court to inflict imprisonment for a term exceeding that to which the accused is liable by law, or that which the said court is competent to inflict.

396. When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or whipping, shall, subject to the provisions hereinbefore contained, take effect immediately, and if of imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say :—

Execution of sentences on escaped convicts.

If the new sentence is severer in its quality than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

When the new sentence is not severer in its quality than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

EXPLANATION.—For the purposes of this section—

(a) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment ;

(b) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement ; and

(c) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

397. When a person already undergoing a sentence of imprisonment, penal servitude or transportation is sentenced to imprisonment, penal servitude or transportation, such imprisonment, penal servitude or transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously sentenced :

Provided that if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be one of transportation, the Court may, in its discretion, direct that the latter sentence shall commence immediately, or at the expiration of the imprisonment to which he has been previously sentenced.

398. * (1) Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

(2) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is after its execution to undergo a further substantive sentence,

* See Sec. 10, Act No. X of 1886.;

or further substantive sentences, of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences.

399. When any person under the age of sixteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Local Government prescribes with regard to the discipline and training of persons confined therein.

All persons confined under this section shall be subject to the rules so prescribed.

400. When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

CHAPTER XXIX.

OF SUSPENSIONS, REMISSIONS AND COMMUTATIONS OF SENTENCES

401. When any person has been sentenced to punishment for an offence, the Governor General in Council, or the Local Government, may at any time, without conditions, or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

Whenever an application is made to the Governor General in Council or the Local Government for the suspension or remission of a sentence, the Governor General in Council or the Local Government, as the case may be, may require the presiding Judge of the Court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion.

* If any condition on which a sentence has been suspended or remitted is, in the opinion of the Governor General in Council or of the Local Government as the case may be, not fulfilled, the Governor General in Council or the Local Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any Police-officer without warrant and remanded to undergo the unexpired portion of the sentence.

* The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will.

Nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites or remissions of punishment.

402. The Governor General in Council, or the Local Government, may, without the consent of the person sentenced, commute any one of the following sentences for any other mentioned after it :—

death, transportation, penal servitude, rigorous imprisonment for a term not exceeding that to which he might have been sentenced, simple imprisonment for a like term, fine.

* See Sec. 11, Act No. X of 1886.

CHAPTER. XXX.

OF PREVIOUS ACQUITTALS OR CONVICTIONS.

403. A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 236, or for which he might have been convicted under section 237.

Person once convicted or acquitted not to be tried for same offence.

A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 235, paragraph one.

A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Explanation.—The dismissal of a complaint, the stopping of proceedings under section 249, the discharge of the accused, or any entry made upon a charge under section 273, is not an acquittal for the purposes of this section.

Illustrations.

(a) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(b) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(c) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.

(d) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.

(e) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts, unless the case comes within paragraph three of this section.

(f) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(g) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity on the same facts.

PART VII.**Of Appeal, Reference and Revision.****CHAPTER XXXI.****OF APPEALS.**

404. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Unless otherwise provided, no appeal to lie.

405. Any person whose application under section 89 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court, may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

Appeal from order rejecting application for restoration of attached property.

406. Any person required by a Magistrate, other than the District Magistrate or a Presidency Magistrate, to give security for good behaviour under section 118, may appeal to the District Magistrate.

Appeal from order requiring security for good behaviour.

407. Any person convicted on a trial held by any Magistrate of the second or third class, or any person sentenced under section 349 by a Sub-divisional Magistrate of the second class, may appeal to the District Magistrate.

Appeal from sentence of Magistrate of the second or third class.

The District Magistrate may direct that any appeal under this section, or any class of such appeals, shall be heard by any Magistrate of the first class subordinate to him and empowered by the Local Government to hear such appeals, and thereupon such appeal or class of appeals shall be presented to such Subordinate Magistrate, or if already presented to the District Magistrate shall be transferred to such Subordinate Magistrate. The

Transfer of appeals to first class Magistrate.

District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented or transferred.

408. Any person convicted on a trial held by an Assistant Sessions Judge, a District Magistrate or other Magistrate of the first class, or any person sentenced under section 349 by a Magistrate of the first class, may appeal to the Court of Session :

Appeal from sentence of Assistant Sessions Judge or Magistrate of the first class.

Provided as follows :—

(a) when in any case an Assistant Sessions Judge or a District Magistrate passes any sentence which is subject to the confirmation of the Court of Session, every appeal in such case shall lie to the High Court, but shall not be presented until the case has been disposed of by the Court of Session ;

(b) any European British subject so convicted may, at his option, appeal either to the High Court or the Court of Session.

409. An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional or Joint Sessions Judge.

Appeals to Court of Session how heard.

410. Any person convicted on a trial held by a Sessions Judge, or an Additional or a Joint Sessions Judge may appeal to the High Court.

Appeal from sentence of Court of Session.

411. Any person convicted on a trial held by a Presidency Magistrate may appeal to the High Court if the Magistrate has sentenced him to imprisonment for a term exceeding six months or to fine exceeding two hundred rupees.

Appeal from sentence of Presidency Magistrate.

412. Notwithstanding anything hereinbefore contained, where an accused person has pleaded guilty and has been convicted by a Court of Session or a Presidency Magistrate on such plea, there shall be no appeal except as to the extent or legality of the sentence.

No appeal in certain cases when accused pleads guilty.

413. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Court of Session or the District Magistrate or other Magistrate of the first class passes a sentence of imprisonment not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only.

Explanation.—There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has been passed.

414. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases tried summarily in which a Magistrate empowered to act under section 260 passes a sentence of imprisonment not exceeding three months only, or of fine not exceeding two hundred rupees only, or of whipping only.

415. An appeal may be brought against any sentence referred to in section 413 or section 414 by which any two or more of the punishments therein mentioned are combined, but no sentence which would not otherwise be liable to appeal shall be appealable merely on the ground that the person convicted is ordered to find security to keep the peace.

Explanation.—A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

416. Nothing in sections 413 and 414 applies to appeals from sentences passed under Chapter XXXIII on European British subjects.

417. The Local Government may direct the Public

Appeal on behalf of Government in case of acquittal.

Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court.

418. An appeal may lie on a matter of fact as well as a matter of law, except where the trial was by jury, in which case the appeal shall lie on a matter of law only.

Appeal on what matters admissible.

Explanation.—The alleged severity of a sentence shall for the purposes of this section be deemed to be a matter of law.

419. Every appeal shall be made in the form of a petition of petition in writing presented by the appellant or his pleader, and every such petition shall (unless the Court to which it is presented otherwise directs) be accompanied by a copy of the judgment or order appealed against, and, in cases tried by a jury, a copy of the heads of the charge recorded under section 367.

420. If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

Procedure when appellant in jail.

421. On receiving the petition and copy under section 419 or section 420, the Appellate Court shall peruse the same, and, if it considers that there is no sufficient ground for interfering, it may reject the appeal summarily: provided that no appeal presented under section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same.

Summary rejection of appeal.

Before rejecting an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

422. If the Appellate Court does not reject the appeal summarily, it shall cause notice to be given to the appellant or his pleader and to such officer as the Local Government may appoint in this behalf, of the time and place at which such appeal will be heard, and shall, on the application of such officer, furnish him with a copy of the grounds of appeal ;

and, in cases of appeals under section 417, the Appellate Court shall cause a like notice to be given to the accused.

423. The Appellate Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing the appellant or his pleader, if he appears, and the Public Prosecutor, if he appears, and, in case of an appeal under section 417, the accused, if he appears, the Court may, if it considers there is no sufficient ground for interfering, dismiss the appeal, or may—

(a) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law ;

(b) in an appeal from a conviction, (1) reverse the finding and sentence, and acquit or discharge the accused, or order him to be retried by a Court of competent jurisdiction subordinate to such Appellate Court, or committed for trial, or (2) alter the finding, maintaining the sentence, or, with or without altering the finding, reduce the sentence, or (3) with or without such reduction, and with or without altering the finding, alter the nature of the sentence, but not so as to enhance the same ;

(c) in an appeal from any other order, alter or reverse such order ;

(d) Nothing herein contained shall authorize the Court to alter or reverse the verdict of a jury, unless it is of opinion that such verdict is erroneous owing to a

misdirection by the Judge, or to a misunderstanding on the part of the jury of the law as laid down by him.

424. The rules contained in Chapter XXVI as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than a High Court :

Judgments of
subordinate Ap-
pellate Courts.

Provided that, unless the Appellate Court otherwise directs, the accused shall not be brought up, or required to attend, to hear judgment delivered.

425. Whenever a case is decided on appeal by the High Court under this chapter, it shall certify its judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed.

Order by High
Court on appeal
to be certified to
lower Court.

If the finding, sentence or order was recorded or passed by a Magistrate other than the District Magistrate, the certificate shall be sent through the District Magistrate.

The Court to which the High Court certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the High Court ; and, if necessary, the record shall be amended in accordance therewith.

426. Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended, and, if he is in confinement, that he be released on bail or on his own bond.

Suspension of
sentence pend-
ing appeal.
Release of appel-
lant on bail.

The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of any appeal by a convicted person to a Court subordinate thereto.

When the appellant is ultimately sentenced to imprisonment, penal servitude or transportation, the time

during which he is so released shall be excluded in computing the term for which he is so sentenced.

427. When an appeal is presented under section 417, the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

Arrest of
accused in appeal
from acquittal.

428. In dealing with any appeal under this chapter, the Appellate Court, if it thinks additional evidence to be necessary, may either take such evidence itself, or direct it to be taken by a Magistrate, or, when the Appellate Court is a High Court, by a Court of Session or a Magistrate.

Appellate Court
may take further
evidence or
direct it to be
taken.

When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the accused or his pleader shall be present when the additional evidence is taken ; but such evidence shall not be taken in the presence of jurors or assessors.

The taking of evidence under this section shall for the purposes of Chapter XXV be deemed to be an inquiry.

429. When the Judges composing the Court of appeal are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after such examination and such hearing (if any) as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure where
Judges of Court
of appeal are
equally divided.

430. Judgments and orders passed by an Appellate

Finality of Court upon appeal shall be final, except orders on appeal. in the cases provided for in section 417 and Chapter XXXII.

431. Every appeal under section 417 shall finally
 Abatement of abate on the death of the accused, and
 appeals. every other appeal under this chapter shall
 finally abate on the death of the appellant.

CHAPTER XXXII.

OF REFERENCE AND REVISION.

432. A Presidency Magistrate may, if he thinks fit,
 Reference by refer for the opinion of the High Court
 Presidency Ma- any question of law which arises in the
 gistrate to High hearing of any case pending before him,
 Court. or may give judgment in any such case
 subject to the decision of the High Court on such refer-
 ence; and, pending such decision, may either commit
 the accused to jail, or release him on bail to appear for
 judgment when called upon.

433. When a question has been so referred, the High
 Disposal of case Court shall pass such order thereon as it
 according to thinks fit, and shall cause a copy of such
 decision of High order to be sent to the Magistrate by
 Court. whom the reference was made, who shall
 dispose of the case conformably to the said order.

The High Court may direct by whom the costs of
 Direction as such reference shall be paid.
 to costs.

434. When any person has, in a trial before a Judge
 Power to reserve of a High Court consisting of more Judges
 questions arising than one and acting in the exercise of its
 in original juris- original criminal jurisdiction, been con-
 diction of High victed of an offence, the Judge, if he
 Court. thinks fit, may reserve and refer for the
 decision of a Court consisting of two or more Judges
 of such Court any question of law which has arisen

in the course of the trial of such person, and the determination of which would affect the event of the trial.

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge thinks fit, be admitted to bail,

and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment or order as the High Court thinks fit.

435. The High Court or any Court of Session, or District Magistrate, or any Sub-divisional Magistrate empowered by the Local Government in this behalf, may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction, for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court.

If any Sub-divisional Magistrate acting under this section considers that any such finding, sentence or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the District Magistrate.

Orders made under sections 143 and 144 and proceedings under section 176 are not proceedings within the meaning of this section.

436. When, on examining the record of any case under section 435 or otherwise, the Court of Session or District Magistrate considers that such case is triable exclusively by the Court of Session, and that an accused person has been improperly discharged by the inferior Court, the

Court of Session or District Magistrate may cause him to be arrested, and may thereupon, instead of directing a fresh inquiry, order him to be committed for trial upon the matter of which he has been, in the opinion of the Court of Session or District Magistrate, improperly discharged :

Provided as follows—

(a) that the accused has had an opportunity of showing cause to such Court or Magistrate why the commitment should not be made :

(b) that, if such Court or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Court or Magistrate may direct the inferior Court to inquire into such offence.

437. On examining any record, under section 435 or otherwise, the High Court or Court of Session may direct the District Magistrate by himself or by any of the Magistrates subordinate to him to make, and the District Magistrate may himself make, or direct any subordinate Magistrate to make, further inquiry into any complaint which has been dismissed under section 203, or into the case of any accused person who has been discharged.

438. The Court of Session or District Magistrate may, if it or he thinks fit, on examining under section 435 or otherwise the record of any proceeding, report for the orders of the High Court the results of such examination, and, when such report contains a recommendation that a sentence be reversed, may order that the execution of such sentence be suspended, and if the accused is in confinement that he be released on bail or on his own bond.

439. In the case of any proceeding the record of which has been called for by itself, or which has been reported for orders, or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of

High Court's
powers of revision.

the powers conferred on a Court of appeal by sections 195, 423, 426, 427 and 428, or on a Court by section 338, and may enhance the sentence, and, when the Judges composing the Court of revision are equally divided in opinion, the case shall be disposed of in manner provided by section 429.

No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by pleader in his own defence.

Where the sentence dealt with under this section has been passed by a Magistrate acting otherwise than under section 34, the Court shall not inflict a greater punishment for the offence which, in the opinion of such Court, the accused has committed, than might have been inflicted for such offence by a Presidency Magistrate or a Magistrate of the first class.

Nothing in this section applies to an entry made under section 273, or shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction.

440. No party has any right to be heard either personally or by pleader before any Court when exercising its powers of revision: provided that the Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader, and that nothing in this section shall be deemed to affect section 439, paragraph two.

441. When the record of any proceeding of any Presidency Magistrate is called for by the High Court under section 435, the Magistrate may submit with the record a statement setting forth the grounds of his decision or order and any facts which he thinks material to the issue; and the Court shall consider such statement before overruling or setting aside the said decision or order.

Optional with
Court to hear
parties.
Statement by
Presidency Ma-
gistrate of
grounds of his
decision to be
considered by
High Court.

442. When a case is revised under this chapter by the High Court, it shall certify its decision or order to the Court by which the finding, sentence or order revised was recorded or passed, and the Court or Magistrate to which the decision or order is so certified shall thereupon make such orders as are conformable to the decision so certified ; and, if necessary, the record shall be amended in accordance therewith.

High Court's
order to be certi-
fied to lower
Court or Magis-
trate.

PART VIII.

Special Proceedings.

CHAPTER XXXIII.

CRIMINAL PROCEEDINGS AGAINST EUROPEANS AND AMERICANS.

443. No Magistrate, unless he is a Justice of the Peace, and (except in the case of a *District Magistrate or Presidency Magistrate) unless he is a Magistrate of the first class and an European British subject, shall inquire into or try any charge against an European British subject.

Magistrates who
may inquire into
and try charges
against Euro-
pean British sub-
jects.

444. No Judge presiding in a Court of Session (except the Sessions Judge shall exercise jurisdiction over an European British subject unless he himself is an European British subject ; and, if he is an Assistant Sessions Judge, unless he has held the office of Assistant Sessions Judge for at least three years, and has been specially empowered in this behalf by the Local Government.

Sessions Judge
to be an Europe-
an British sub-
ject. Assistant
Sessions Judge
to have held
office for three
years and to be
specially empow-
ered.

* See Sec. 3 Act No. III of 1884.

† See Sec. 4 Act No. III of 1884.

445. Nothing in section 443 or section 444 shall prevent any Magistrate from taking
Cognizance of offence committed by European British subject. cognizance of an offence committed by any European British subject in any case in which he could take cognizance of a like offence if committed by another person :

Provided that, if he issues any process for the purpose of compelling the appearance of an European British subject accused of an offence, such process shall be made returnable before a Magistrate having jurisdiction to inquire into or try the case.

446. Notwithstanding anything contained in section 32 or section 34, no Magistrate other than
Sentences which may be passed by Provincial Magistrates. a *District Magistrate or Presidency Magistrate shall pass any sentence on an European British subject other than imprisonment for a term which may extend to three months or fine which may extend to one thousand rupees, or both *and a District Magistrate shall not pass any such sentence other than imprisonment for a term which may extend to six months, or fine which may extend to two thousand rupees, or both.

447. When an European British subject is accused
When commitment is to be to Court of Session and when to High Court. of an offence before a Magistrate, and such offence cannot, in the opinion of such Magistrate, be adequately punished by him, and is not punishable with death or with transportation for life, such Magistrate shall, if he thinks that the accused ought to be committed, commit him to the Court of Session, or, in the case of a Presidency Magistrate, to the High Court.

When the offence which appears to have been committed is punishable with death or with transportation for life, the commitment shall be to the High Court.

* See Sec. 5, Act No. III of 1884.

448. Where any person committed to the High Court under section 447 is charged with several offences of which one is punishable with death or transportation for life and the others with a less punishment, and the High Court considers that he should not be tried for the offence punishable with death or transportation, the High Court may nevertheless try him for the other offences.

449. Notwithstanding anything contained in section 31, no Court of Session shall pass on any European British subject any sentence other than a sentence of imprisonment for a term which may extend to one year, or fine, or both.

If, at any time after the commitment and before signing judgment, the presiding Judge thinks that the offence which appears to be proved cannot be adequately punished by such a sentence, he shall record his opinion to that effect and transfer the case to the High Court. Such Judge may either himself bind over, or direct the committing Magistrate to bind over, the complainant and witnesses to appear before the High Court.

450. Repealed by section 6, Act No. III of 1884.

*451. (1) In trials of European British subjects before a High Court or Court of Session, if, before the first juror is called and accepted, or the first assessor is appointed, as the case may be, any such subject requires to be tried by mixed jury, the trial shall be by a jury of which not less than half the number shall be Europeans Americans or both Europeans and Americans.

(2) When any such trial before a Court of Session would the ordinary course be with the aid of assessors, the European British subject accused, or, where there are

* See sec. 7, Act No. III of 1884.

several European British subjects accused, all of them jointly, may, instead of claiming to be tried by a mixed jury, under sub-section (1), require that not less than half the number of the assessors shall be Europeans or Americans or both Europeans and Americans.

***451A.** (1) In trials of European British subjects before a District Magistrate, any such subject may, in a summons case before he is heard in his defence under section 244, or in a warrant case before he enters on his defence under section 256, claim that the trial shall be by a jury composed in manner prescribed by section 451.

Right of
European British
subject to claim
jury before Dis-
trict Magistrate.

(2) If a claim is made under sub-section (1) in a summons case at the time when the Magistrate proceeds under section 244 to hear the accused or in a warrant case at the time when the Magistrate calls upon the accused under section 256 to enter upon the defence, the Magistrate shall forthwith issue the necessary orders for the trial by a jury as aforesaid.

(3) If such a claim is made at an earlier stage of the proceedings, the Magistrate shall issue such orders whenever it appears to him from the evidence recorded that there will be a sufficient case to go before a jury.

(4) In every such case the Magistrate shall, notwithstanding anything contained in section 242, before issuing any orders as aforesaid, frame a formal charge.

(5) The provisions of sections 211, 216, 217, 219 and 220 shall, so far as may be, apply for the purpose of securing the attendance of the complainant, the accused and the witnesses at every trial to be held under this section.

(6) The provisions of this Code relating to the procedure in a trial by jury before a Court of Session shall, as nearly as may be, apply to every trial under this section as if the District Magistrate were a Sessions

* See Sec. 8, Act No. III of 1884.

Judge and the accused had been committed to his Court for trial.

(7) All Courts may construe any of the provisions referred to in sub-section (5) or sub-section (6), in so far as they are made applicable by that sub-section, with such verbal alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before them.

(8) Nothing in this section shall affect the power of the Magistrate to commit an accused person for trial under section 347 or section 447.

*451B. (1) If an accused person claims to be tried by jury under section 451A, and in the opinion of the District Magistrate there is reason to believe that a jury composed in manner prescribed by section 451 cannot be constituted for the trial before himself, or cannot be so constituted without an amount of delay, expense or inconvenience which under the circumstances of the case would be unreasonable, he may instead of issuing orders for the trial before himself under section 451A, transfer the case for trial to such other District Magistrate or to such Sessions Judge as the High Court may, from time to time, by rules made by it in this behalf and approved by the Local Government, or by special order, direct.

(2) When a case is transferred under this section to a Sessions Judge or District Magistrate, he shall with all convenient speed try it with the same powers (including the power of commitment) and according to the same procedure as if he were a District Magistrate acting under section 451A.

452. In any case in which an European British subject is accused jointly with a person not being an European British subject, and such European British subject is committed for trial before a High Court or Court of Session, the trial shall be held in the Court of Session.

Trial of European British subject and Native jointly accused.

* See Sec. 8, Act No. III of 1884.

...ore
it or
it is

of Session, such subject and person may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately :

Provided that, if the European British subject requires
 When native under section 451 to be tried by a mixed
 may claim sepa- jury, or by a mixed set of assessors, and
 rate trial, the person not being an European British
 subject requires that he shall be tried separately, the
 latter person shall be tried separately in accordance with
 the provisions of Chapter XXIII.

453. When any person claims to be dealt with as an
 European British subject, he shall state
 the grounds of such claim to the Magis-
 Procedure on claim of person to be dealt with as European British subject, trate before whom he is brought for the
 purposes of the inquiry or trial ; and such
 Magistrate shall inquire into the truth of
 such statement, and allow the person making it a reason-
 able time within which to prove that it is true, and shall
 then decide whether he is or is not an European British
 subject, and shall deal with him accordingly. If any
 such person is convicted by such Magistrate and ap-
 peals from such conviction, the burden of proving
 that the Magistrate's said decision was wrong shall lie
 upon him.

When any such person is committed by the Magis-
 trate for trial before the Court of Session, and such
 person before such Court claims to be dealt with as an
 European British subject, such Court shall, after such
 further inquiry, if any, as it thinks fit, decide whether
 he is or is not an European British subject, and shall
 deal with him accordingly. If he is convicted by such
 Court and appeals from such conviction, the burden of
 proving that the Court's said decision was wrong shall
 as lie upon him.

sect. When the Court before which any person is tried
 —les that he is not an European British subject, such

decision shall form a ground of appeal from the sentence or order passed in such trial.

454. If an European British subject does not claim
Failure to plead status a waiver. to be dealt with as such by the Magistrate before whom he is tried or by whom he is committed, or if, when such claim has been made before, and disallowed by, the committing Magistrate, it is not again made before the Court to which such subject is committed, he shall be held to have relinquished his right to be dealt with as such European British subject, and shall not assert it in any subsequent stage of the same case.

Unless the Magistrate has reason to believe that any person brought before him is not an European British subject, the Magistrate shall ask such person whether he is such a subject or not.

455. Where a person who is not an European British
Trial under this chapter of person not an European British subject. subject is dealt with as such under this chapter, and does not object, the inquiry, commitment, trial or sentence (as the case may be) shall not, by reason of such dealing, be invalid.

456. When any European British subject is unlaw-
Right of European British subject unlawfully detained to apply for order to be brought before High Court. fully detained in custody by any person, such European British subject or any person on his behalf may apply to the High Court which would have jurisdiction over such European British subject in respect of any offence committed by him at the place where he is detained, or to which he would be entitled to appeal from any conviction for any such offence, for an order directing the person detaining him to bring him before the High Court to abide such further order as it may pass.

457. The High Court, if it thinks fit, may, before
Procedure on such application. issuing such order, inquire, on affidavit or otherwise, into the grounds on which it is

applied for, and grant or refuse such application ; or it may issue the order in the first instance, and, when the person applying for it is brought before it, it may make such further order in the case as it thinks fit, after such inquiry (if any) as it thinks necessary.

458. The High Court may issue such orders throughout the territories within the local limits of its appellate criminal jurisdiction, and such other territories as the Governor General in Council may direct.

Territories throughout which High Court may issue such orders.

459. Unless there is something repugnant in the context, all enactments heretofore or hereafter made by the Governor General in Council, which confer on Magistrates or on the Court of Session jurisdiction over offences, shall be deemed to apply to European British subjects, although such person be not expressly referred to therein.

Application of Acts conferring jurisdiction on Magistrates or Courts of Session.

Nothing in this section shall be deemed to authorize any Court to exceed the limits prescribed by this chapter as to the amount of punishment which it may inflict on an European British subject, or to confer jurisdiction on any Magistrate *or any Judge presiding in a Court of Session not being a Justice of the Peace.

460. In every case triable by jury or with the aid of assessors, in which an European (not being an European British subject) or an American is the accused person, or one of the accused persons, not less than half the number of jurors or assessors shall, if practicable and if such European or American so claims, be Europeans or Americans.

Jury for trial of Europeans or Americans.

461. Whenever an European or American is charged before the Court of Session jointly with a person not an European or American, and in compliance with a claim made

Jury when European or American charged

* See Sec. 9 Act No. III of 1884.

jointly with
one of another
race.

under section 460 is tried by a jury, or with the aid of a set of assessors, of which at least one-half consists of Europeans and Americans, the latter person shall, if he so claims, be tried separately.

462. When a trial is to be held before the Court of Session in which the accused person, or one of the accused persons, is entitled to be tried by a jury constituted under the provisions of section 451 or section 460 *or before the Court of a District Magistrate or Sessions Judge proceeding under section 451A or 451B, the Court shall, three days at least before the day fixed for holding such trial, cause to be summoned, in the manner hereinbefore prescribed, as many European and American jurors as are required for the trial.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons has been already summoned for trials by jury at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be chosen by lot in the manner prescribed in section 276, until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as practicable, has been obtained :

Provided that in any case in which the proper number of Europeans and Americans cannot otherwise be obtained, the Court may, in its discretion, for the purpose of constituting the jury, summon any person excluded from the list on the ground of his being exempted under section 320.

*See Sec. 10 Act No. III of 1894.

463. Criminal proceedings against European British subjects, Europeans not being European British subjects, and Americans, before the Court of Session and High Court, shall, except as otherwise expressly provided, be conducted according to the provisions of this Code.

Conduct of criminal proceedings against European British subjects, &c.

CHAPTER XXXIV.

LUNATICS.

464. When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the District or such other medical officer as the Local Government directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination to writing.

If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall postpone further proceedings in the case.

465. If any person committed for trial before a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the jury or the Court with the aid of assessors shall, in the first instance, try the fact of such unsoundness and incapacity, and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed.

The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

Procedure in case of person committed before Court of Session or High Court being lunatic.

466. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

Release of
lunatic pending
investigation or
trial.

If the case is one in which bail may not be taken, or if sufficient security is not given, the Magistrate or Court shall report the case to the Local Government, and the Local Government may order the accused to be confined in a lunatic asylum or other suitable place of safe custody, and the Magistrate or Court shall give effect to such order.

Custody of
lunatic.

467. Whenever an inquiry or a trial is postponed under section 464 or section 465, the Magistrate or Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or Court.

Resumption of
inquiry or trial.

When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

468. If, when the accused appears or is again brought before the Magistrate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

Procedure on
accused appear-
ing before Ma-
gistrate or Court.

If the Magistrate or Court considers the accused person to be still incapable of making his defence, the Magistrate or Court shall again act according to

the provisions of section 464 or section 465, as the case may be.

469. When the accused appears to be of sound mind at the time of inquiry or trial, and the When accused appears to have been insane. Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case, and, if the accused ought to be committed to the Court of Session or High Court, send him for trial before the Court of Session or High Court, as the case may be.

470. Whenever any person is acquitted upon the Judgment of acquittal on ground of lunacy. ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not.

471. Whenever such judgment states that the accused Person acquitted on such ground to be kept in safe custody. person committed the act alleged, the Magistrate or Court before whom or which the trial has been held shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the case for the orders of the Local Government.

The Local Government may order such person to be confined in a lunatic asylum, jail or other suitable place of safe custody.

472. When any person is confined under the provisions

Lunatic prisoners to be visited by Inspector General.

of section 466 or section 471, the Inspector General of Prisons, if such person is confined in a jail, or the visitors of the lunatic asylum, or any two of them, if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid; and such Inspector General or visitors shall make a special report to the Local Government as to the state of mind of such person.

473. If such person is confined under the provisions of section 466, and such Inspector General or visitors shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of section 468; and the certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic confined under section 466 or 471 is declared fit to be discharged.

474. If such person is confined under the provisions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum; and, in case it orders him to be transferred to an asylum, may appoint a commission, consisting of a judicial and two medical officers.

Such commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government,

which may order his discharge or detention as it thinks fit.

475. Whenever any relative or friend of any person confined under the provisions of section 466 or section 471 desires that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Local Government directs.

The provisions of sections 472 and 474 shall, *mutatis mutandis*, apply to persons delivered under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be receivable as evidence.

*475A. The Governor General in Council may direct that any person whom the Local Government has ordered under this chapter to be confined in a lunatic asylum, jail or other place of safe custody, shall be removed from the place where he is confined to any lunatic asylum, jail or other place of safe custody in British India.

Power of Governor General in Council to order criminal lunatics confined by order of Local Government to be removed from one province to another.

*475B. The Local Government may empower the officer in charge of the jail in which a person is confined under the provisions of section 466 or section 471 to discharge

Power of Local Government to relieve Inspector

* See Sec. 12, Act No. X of 1886.

General of cer- all or any of the functions of the Inspector
tain functions. General of Prisons under section 472,
section 473 or section 474.

CHAPTER XXXV.

PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE.

476. When any Civil, Criminal or Revenue Court is of opinion that there is ground for
Procedure in cases mentioned in section 195.
 inquiring into any offence referred to in section 195, and committed before it or brought under its notice in the course of a judicial proceeding, such Court, after making any preliminary inquiry that may be necessary, may send the case for inquiry or trial to the nearest Magistrate of the first class, and may send the accused in custody, or take sufficient security for his appearance, before such Magistrate; and may bind over any person to appear and give evidence on such inquiry or trial.

Such Magistrate shall thereupon proceed according to law, and may, if he is authorized under section 192 to transfer cases, transfer the inquiry or trial to some other competent Magistrate.

477. Subject to the provisions of section 444, a Court of Session may charge a person for any
Power of Court of Session as to such offences committed before itself.
 offence referred to in section 195 and committed before it, or brought under its notice in the course of a judicial proceeding, and may commit, or admit to bail and try, such person upon its own charge.

Such Court may direct the Magistrate to cause the attendance of any witnesses for the purposes of the trial.

478. When any such offence is committed before

Power of Civil
and Revenue
Courts to com-
plete investiga-
tion and commit
to High Court or
Court of Session.

any Civil or Revenue Court, or brought under the notice of any Civil or Revenue Court in the course of a judicial proceeding, and the case is triable exclusively by the High Court or Court of Session, or such Civil or Revenue Court thinks that it ought to be tried by the High Court or Court of Session, such Civil or Revenue Court may, instead of sending the case under section 476 to a Magistrate for inquiry, itself complete the inquiry, and commit or hold to bail the accused person to take his trial before the High Court or Court of Session, as the case may be.

For the purposes of an inquiry under this section, the Civil or Revenue Court may, subject to the provisions of section 443, exercise all the powers of a Magistrate; and its proceedings in such inquiry shall be conducted as nearly as may be in accordance with the provisions of Chapter XVIII, and shall be deemed to have been held by a Magistrate.

479. When any such commitment is made by a Civil or Revenue Court, the Court shall send the charge with the order of commitment and the record of the case to the Presidency Magistrate, District Magistrate or other Magistrate authorized to commit for trial; and such Magistrate shall bring the case before the High Court or Court of Session, as the case may be, together with the witnesses for the prosecution and defence.

480. When any such offence as is described in section 175, section 178, section 179, section 180, section 228 of the Indian Penal Code is committed in the view or presence of any Civil, Criminal or Revenue Court, the Court may cause the offender, whether he is an European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to fine not exceeding two hundred

rupees, and, in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

Nothing in section 443 or section 444 shall be deemed to apply to proceedings under this section.

481. In every such case, the Court shall record the ^{Record in such} facts constituting the offence, with the ^{cases.} statement (if any) made by the offender, as well as the finding and sentence.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult.

482. If the Court in any case considers that a person accused of any of the offences referred to in section 480 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or ^{Procedure where Court considers that case should not be dealt with under section 480.} such Court is for any other reason of opinion that the case should not be disposed of under section 480, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, shall forward such person under custody to such Magistrate.

The Magistrate to whom any case is forwarded under this section shall proceed to hear the complaint against the accused person in manner hereinbefore provided.

483. When the Local Government so directs, any

When Registrar or Sub-Registrar to be deemed a Civil Court within sections 480 and 482.

Registrar or any Sub-Registrar appointed under the Indian Registration Act, 1877, shall be deemed to be a Civil Court within the meaning of sections 480 and 482.

484. When any Court has under section 480 adjudged

Discharge of offender on submission or apology.

an offender to punishment for refusing or omitting to do any thing which he was lawfully required to do, or for any intentional insult or interruption, the Court may, in its discretion, discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

485. If any witness before a Criminal Court refuses

Imprisonment or committal of person refusing to answer or produce document.

to answer such questions as are put to him, or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document. In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 480 or section 482, and, in the case of a Court established by Royal Charter, shall be deemed guilty of a contempt.

486. Any person sentenced by any Court under

Appeals from convictions in contempt cases.

section 480 or section 485 may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

The provisions of Chapter XXXI shall, so far as they are applicable, apply to appeals under this

section, and the Appellate Court may alter or reverse the finding, or reduce or reverse the sentence appealed against.

An appeal from such conviction by a Court of Small Causes in a Presidency-town shall lie to the High Court, and

an appeal from such conviction by any other Court of Small Causes shall lie to the Court of Session for the Sessions Division within which such Court is situate.

An appeal from such conviction by any officer³ as Registrar or Sub-Registrar appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a decree by such officer in his capacity as such Judge, and in other cases may be made to the District Judge, or, in the Presidency-towns, to the High Court.

487. Except as provided in sections 477, 480 and 485, Certain Judges and Magistrates not to try offences referred to in section 196 when committed before themselves. no Judge of a Criminal Court or Magistrate, other than a Judge of a High Court, the Recorder of Rangoon and the Presidency Magistrates, shall try any person for any offence referred to in section 195, when such offence is committed before himself or in contempt of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding.

Nothing in section 476 or section 482 shall prevent a Magistrate empowered to commit to the Court of Session or High Court from himself committing any case to such Court, or shall prevent a Presidency Magistrate from himself disposing of any case instead of sending it for inquiry to another Magistrate.

CHAPTER XXXVI.

OF THE MAINTENANCE OF WIVES AND CHILDREN.

488. If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-divisional Magistrate, or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding fifty rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

Such allowance shall be payable from the date of the order.

If any person so ordered wilfully neglects to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in manner hereinbefore provided for levying fines, and may sentence such person, for the whole or any part of each month's allowance remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month :

Provided that, if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her ; and may make an order under this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses

to live with her husband, or if they are living separately by mutual consent,

On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

All evidence under this chapter shall be taken in the presence of the husband or father, as the case may be, or, when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed in the case of summons-cases.

489. On proof of a change in the circumstances of

Alteration in any person receiving under section 488 allowance. a monthly allowance, or ordered under the same section to pay a monthly allowance to his wife or child, the Magistrate may make such alteration in the allowance as he thinks fit, provided the monthly rate of fifty rupees be not exceeded.

490. A copy of the order of maintenance shall be

Enforcement of order of maintenance. given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to whom the allowance is to be paid ; and such order shall be enforceable by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

CHAPTER XXXVII.

DIRECTIONS OF THE NATURE OF A HABEAS CORPUS.

491. Any of the High Courts of Judicature at Fort William, Madras and Bombay may, whenever it thinks fit, direct—
Power to issue directions of the nature of a habeas corpus.

(a) that a person within the limits of its ordinary original civil jurisdiction be brought up before the Court to be dealt with according to law ;

(b) that a person illegally or improperly detained in public or private custody within such limits be set at liberty ;

(c) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court ;

(d) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners acting under the authority of any Commission from the Governor General in Council for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively ;

(e) that a prisoner within such limits be removed from one custody to another for the purpose of trial ; and

(f) that the body of a defendant within such limits be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment.

Each of the said High Courts may, from time to time, frame rules to regulate the procedure in cases under this section.

Nothing in this section applies to persons detained under Bengal Regulation III of 1818, Madras Regulation II of 1819 or Bombay Regulation XXV of 1827, or the Acts of the Governor General in Council No. XXXIV of 1850 or No. III of 1858.

PART IX.

Supplementary Provisions.

CHAPTER. XXXVIII.

OF THE PUBLIC PROSECUTOR.

492. The Governor General in Council or the Local Government may appoint, generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors.

In any case committed for trial to the Court of Session, the District Magistrate, or, subject to the control of the District Magistrate, the Sub-divisional Magistrate, may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of Police below the rank of Assistant District Superintendent, to be Public Prosecutor for the purpose of such case.

493. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal; and, if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein under his directions.

494. Any Public Prosecutor appointed by the Governor General in Council or the Local Government may, with the consent of the Court, in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced, withdraw from the prosecution any person; and, upon such withdrawal,—

(a) if it is made before a charge has been framed, the accused shall be discharged ;

(b) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted.

495. *Any Magistrate inquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of Police below a rank to be prescribed by the Local Government in this behalf with the previous sanction of the Governor General in Council ; but no person, other than the Advocate General, Standing Counsel, Government Solicitor, Public Prosecutor or other officer generally or specially empowered by the Local Government in this behalf shall be entitled to do so without such permission.

Any person conducting the prosecution may do so personally or by a pleader.

*An officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted.

CHAPTER XXXIX.

OF BAIL.

496. When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a Police-station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail : provided that such officer or Court, if he or it thinks fit, may, instead of

* See Sec. 13, Act No. X of 1896.

taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

497. When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a Police-station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

Any Court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this section to be arrested, and may commit him to custody.

498. The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive ; and the High Court or Court of Session may, in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a Police-officer or Magistrate be reduced.

499. Before any person is released on bail or released on his own bond, a bond for such sum of money as the Police-officer or Court, as the case may be, thinks sufficient shall be executed by such person, and when he is released on

bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the Police-officer or Court, as the case may be.

If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

500. As soon as the bond has been executed, the person for whose appearance it has been executed shall be released; and when he is in jail the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

Discharge from custody.

Nothing in this section, section 496 or section 497 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

501. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and on his failing so to do may commit him to jail.

Power to order sufficient bail when that first taken is insufficient.

502. All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond either wholly or so far as relates to the applicants.

Discharge of sureties.

On such application being made, the Magistrate shall issue his warrant of arrest, directing that the person so released be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody.

CHAPTER XL

OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES.

503. Whenever, in the course of an inquiry, a trial or any other proceeding under this Code, it appears to a Presidency Magistrate, a District Magistrate, a Court of Session or the High Court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

When attendance of witness may be dispensed with.

Issue of commission, and procedure thereunder.

When the witness resides in the dominions of any Prince or State in alliance with Her Majesty in which there is an officer representing the British Indian Government, the commission may be issued to such officer.

The Magistrate or officer to whom the commission is issued, or, if he is the District Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.

504. If the witness is within the local limits of the jurisdiction of any Presidency Magistrate, the Magistrate or Court issuing the commission may direct the same to the said Presidency Magistrate, who thereupon may compel the attendance of, and examine, such witness as if he were a witness in a case pending before himself.

Commission in case of witness being within Presidency-town.

Nothing in this section shall be deemed to affect the power of the High Court to issue commissions under the thirty-ninth and fortieth of Victoria, chapter 46, section 3.

505. The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue, and the Magistrate or officer to whom the commission is directed shall examine the witness upon such interrogatories.

Parties may examine witness.

Any such party may appear before such Magistrate or officer by pleader, or, if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

506. Whenever, in the course of an inquiry or a trial or any other proceeding under this Code before any Magistrate other than a Presidency Magistrate or District Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense, or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the District Magistrate, stating the reasons for the application; and the District Magistrate may either issue a commission in the manner hereinbefore provided or reject the application.

Power of Provincial Subordinate Magistrate to apply for issue of commission.

507. After any commission issued under section 503

Return of commission. or section 506 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

508. In every case in which a commission is issued Adjournment of inquiry or trial. under section 503 or section 506, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XLI.

SPECIAL RULES OF EVIDENCE.

509. The deposition of a Civil Surgeon or other Deposition of medical witness. medical witness, taken and attested by a Magistrate in the presence of the accused, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Power to summon medical witness. The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

510. Any document purporting to be a report under the hand of any * Chemical Examiner or Report of Chemical Examiner. Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

* See Sec. 14, Act No. X of 1886.

511. In any inquiry, trial or other proceeding under this Code a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force,—

(a) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order ; or

(b) in case of a conviction, either by certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered ;

together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

512. If it be proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into or trial for the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

CHAPTER XLII.

PROVISIONS AS TO BONDS.

513. When any person is required by any Court or officer to execute a bond, with or without sureties, such Court or officer may, except

Deposit instead
of recognizance.

in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.

514. Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Presidency Magistrate or Magistrate of the first class,

or, when the bond is for appearance before a Court to the satisfaction of such Court,

that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person.

Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the distress and sale of any moveable property belonging to such person without such limits, when endorsed by the District Magistrate or Chief Presidency Magistrate * within the local limits of whose jurisdiction such property is found.

If such penalty be not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

* See Sec. 5, Act No. X of 1886.

515. All orders passed under section 514 by any Magistrate other than a Presidency Magistrate or District Magistrate shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him.

Appeals from, and revision of, orders under section 514.

516. The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session.

Power to direct levy of amount due on certain recognizances.

CHAPTER XLIII,

OF THE DISPOSAL OF PROPERTY.

517. When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal of any document or other property produced before it regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

Order for disposal of property regarding which offence committed.

When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the District Magistrate.

When an order is made under this section in a case in which an appeal lies, such order shall not (except when the property is live-stock or is subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed, or, when such appeal is presented within such period, until such appeal has been disposed of.

Explanation.—In this section the term “property” includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under

the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

518. In lieu of itself passing an order under section 517 the Court may direct the property to be delivered to the District Magistrate or to a Sub-divisional Magistrate, who shall in such cases deal with it as if it had been seized by the Police and the seizure had been reported to him in the manner hereinafter mentioned.

Order may take form of reference to District or Sub-divisional Magistrate.

519. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has brought the stolen property from him without knowing, or having reason to believe that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Payment to innocent purchaser of money found on accused.

520. Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518 or section 519, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court; and may modify, alter or annul such order.

Stay of order under section 517, 518 or 519.

521. On a conviction under the Indian Penal Code, section 292, section 293, section 501 or section 502, the Court may order the destruction of all the copies of the document in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted.

struction of documents and matter.

The Court may in like manner, on a conviction under the Indian Penal Code, section 272, section 273, section 274 or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

522. Whenever a person is convicted of an offence attended by criminal force, and it appears to the Court that, by such force, any person has been dispossessed of any immoveable property, the Court may, if it thinks fit, order such person to be restored to the possession of the same.

Power to restore possession of immoveable property.

No such order shall prejudice any right or interest to or in such immoveable property which any person may be able to establish in a civil suit.

523. The seizure by any Police-officer of property taken under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained, respecting the custody and production of such property.

Procedure by Police upon seizure of property taken under section 51 or stolen.

If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it, and shall, in such case, issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where owner of property seized unknown.

524. If no person within such period establishes his claim to such property, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Presidency Magistrate, District Magistrate or Sub-divisional Magistrate, or of a Magistrate of the first class empowered by the Local Government in this behalf.

In the case of every order passed under this section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

525. If the person entitled to the possession of such property is unknown or absent, and the property is subject to speedy and natural decay, or the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be practicable, apply to the nett proceeds of such sale.

CHAPTER XLIV.

OF THE TRANSFER OF CRIMINAL CASES.

526. Whenever it is made to appear to the High Court—
High Court may transfer case, or itself try it.

(a) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(b) that some question of law of unusual difficulty is likely to arise, or

(c) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or

(d) that an order under this section will tend to the general convenience of the parties or witnesses, or

(e) *that such an order is expedient for the ends of justice,

it may order—

(1) that any offence be inquired into or tried by any Court not empowered under sections 177 to 184 (both inclusive), but in other respects competent to inquire into or try such offence ;

(2) that any particular criminal case or appeal, or class of such cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction ; or

(3) that any particular criminal case or appeal be transferred to and tried before itself, or

(4) *that an accused person be committed for trial to itself or to a Court of Session.

When the High Court withdraws for trial before itself any case from any Court other than the Court of a Presidency Magistrate, it shall, except as provided in section 267, observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn.

Every application for the exercise of the power conferred by this section shall be made by motion which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation.

When an accused person makes an application under this section, the High Court may direct him to execute a bond, with or without sureties, conditioned that he will, if convicted, pay the costs of the prosecutor.

Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made ; and no order shall be made on

Notice to Public
Prosecutor of ap-
plication under
this section.

* See Sec. 11, Act No. III of 1884.

the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

Nothing in this section shall be deemed to affect any order made under section 197.

526A.* If in any criminal case or appeal, before the commencement of the hearing, the public prosecutor, the complainant or the accused notifies to the Court before which the case or appeal is pending his intention to make an application under section 526 in respect of the case, the Court shall exercise the powers of postponement or adjournment given by section 344 in such a manner as will afford a reasonable time for the application being made and an order being obtained thereon, before the accused is called on for his defence, or, in the case of an appeal, before the hearing of the appeal.

Adjournment
on application
under section
526.

527. The Governor General in Council may, by notification in the *Gazette of India*, direct that transfer of any particular criminal case or appeal from one High Court to another High Court, or from any Criminal Court subordinate to one High Court to any other Criminal Court of equal or superior jurisdiction subordinate to another High Court, whenever it appears to him that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.

Power of Governor
General in
Council to trans-
fer criminal cases
and appeals.

The Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Court.

528. Any District Magistrate or Sub-divisional Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to

District or Sub-
divisional Magis-
trate may with-
draw or refer
cases.

* See Sec. 12, Act No. III of 1884.

any other such Magistrate competent to inquire into or try the same.

The Local Government may authorize the District Magistrate to withdraw from the Magistrates subordinate to him either such classes of cases as he thinks proper, or particular classes of cases.

Power to authorize District Magistrate to withdraw classes of cases.

*A Magistrate making an order under this section shall record in writing his reason for making the same.

CHAPTER XLV.

OF IRREGULAR PROCEEDINGS.

Irregularities which do not vitiate proceedings.

529. If any Magistrate not empowered by law to do any of the following things, namely :—

- (a) to issue a search-warrant, under section 98 ;
- (b) to order, under section 155, the Police to investigate an offence ;
- (c) to hold an inquest under section 176 ;
- (d) to issue process, under section 186, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits ;
- (e) to take cognizance of an offence under section 191, clause (a) or clause (b) ;
- (f) to transfer a case under section 192 ;
- (g) to tender a pardon under section 337 or section 338 ;
- (h) to sell property under section 524 or section 525 ; or
- (i) to withdraw a case and try it himself under section 528 ;

* See Sec. 13, Act No. III of 1884.

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

Irregularities which vitiate proceedings. 530. If any Magistrate, not being empowered by law in this behalf, does any of the following things (namely) :—

- (a) attaches and sells property under section 88 ;
 - (b) issues a search-warrant for a letter in the Post-office, or a telegram in the Telegraph Department ;
 - (c) demands security to keep the peace ;
 - (d) demands security for good behaviour ;
 - (e) discharges a person lawfully bound to be of good behaviour ;
 - (f) cancels a bond to keep the peace ;
 - (g) makes an order, under section 133, as to a local nuisance ;
 - (h) prohibits, under section 143, the repetition or continuance of a public nuisance ;
 - (i) issues an order under section 144 ;
 - (j) makes an order under Chapter XII ;
 - (k) take cognizance, under section 191, clause (c), of an offence ;
 - (l) passes a sentence, under section 349, on proceedings recorded by another Magistrate ;
 - (m) calls, under section 435, for proceedings ;
 - (n) makes an order for maintenance ;
 - (o) revises under section 515, an order passed under section 514 ;
 - (p) tries an offender ;
 - (q) tries an offender summarily ; or
 - (r) decides an appeal ;
- his proceedings shall be void.

531. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed took place in a wrong Sessions Division, District, Sub-division or other local area, unless it appears that such error occasioned a failure of justice.

532. If any Magistrate or other authority purporting to exercise powers duly conferred, which were not so conferred, commits an accused person for trial before a Court of Session or High Court, the Court to which the commitment is made may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been injured thereby, unless, during the inquiry and before the order of commitment, objection was made on behalf either of the accused or of the prosecution to the jurisdiction of such Magistrate or other authority.

If such Court considers that the accused was injured, or if such objection was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

533. If any Court before which a confession or other statement of an accused person recorded under section 164 or section 364 is tendered in evidence finds that the provisions of such section have not been fully complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and, notwithstanding anything contained in the Indian Evidence Act, section 91, such statement shall be admitted if the error has not injured the accused as to his defence on the merits.

534. An omission to ask any person whether he is an European British subject in a case to which the second clause of section 454 applies shall not affect the validity of any proceeding.

When irregular commitments may be validated.

Non-compliance with provisions of section 164 or 364.

Omission to ask question prescribed by section 454, clause 2.

535. No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed unless, in the opinion of the Court of appeal or revision, a failure of justice has been occasioned thereby.

If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge shall be framed, and that the trial be re-commenced from the point immediately after the framing of the charge.

536. If an offence triable with the aid of assessors is tried by a jury, the trial shall not on that ground only be invalid.

If an offence triable by a jury is tried with the aid of assessors, the trial shall not on that ground only be invalid, unless the objection is taken before the Court records its finding.

537. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVII or on appeal or revision on account—

Finding or sentence when reversible by reason of error or omission in charge or other proceedings. of any error, omission or irregularity in the complaint, summons, warrant, charge, judgment or other proceedings before or during trial or in any inquiry or other proceeding under this Code, or

of the want of any sanction required by section 195, or of the omission to revise any list of jurors or assessors in accordance with section 324, or

of any misdirection in any charge to a jury; unless such error, omission, irregularity, want or misdirection has occasioned a failure of justice,

538. No distress made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of distress or other proceedings relating thereto.

Distress not illegal nor distrainer a trespasser for defect or want of form in proceedings.

CHAPTER XLVI.

MISCELLANEOUS.

539. Affidavits and affirmations to be used before any High Court or any officer of such Court may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge, or any Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorized to take affidavits or affirmations in Scotland.

Courts and persons before whom affidavits may be sworn.

540. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Power to summon material witness, or examine person present.

541. Unless when otherwise provided by any law for the time being in force, the Local Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

Power to appoint place of imprisonment.

454.

***541A.** (1) If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail.

(2) When a person is removed to a criminal jail under sub-section (1), he shall, on being released therefrom, be sent back to the civil jail, unless either—

(a) three years have elapsed since he was removed to the criminal jail, in which case he shall be deemed to have been discharged from the civil jail under section 342 of the Code of Civil Procedure ; or

(b) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under section 341 of the Code of Civil Procedure.

542. Notwithstanding anything contained in the Prisoners' Testimony Act, 1869, any Presidency Magistrate desirous of examining, as a witness or an accused person, in any case pending before him, any person confined in any jail within the local limits of his jurisdiction, may issue an order to the officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination.

The officer so in charge, on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesaid.

543. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Interpreter to be bound to interpret truthfully.

544. Subject to any rules made by the Local Government with the previous sanction of the Governor General in Council, any Criminal Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Code,

Expenses of complainants and witnesses.

545. Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied—

Power of Court to pay expenses or compensation out of fine.

(a) in defraying expenses properly incurred in the prosecution ;

(b) in compensation for the injury caused by the offence committed, where substantial compensation is, in the opinion of the Court, recoverable by civil suit.

If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

546. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section 545,

Payments to be taken into account in subsequent suit.

547. Any money (other than a fine) payable by virtue of any order made under this Code shall be recoverable as if it were a fine.

Moneys ordered to be paid recoverable as fines.

548. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of the Judge's charge to the jury, or of any order or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith: provided that he pay for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

Copies of proceedings.

549. The Governor General in Council may make rules, consistent with this Code and the Army Act, 1881, or any similar law for the time being in force, as to the cases in which persons subject to military law shall be tried by a Court to which this Code applies or by Court-martial; and when any person is brought before a Magistrate and charged with an offence for which he is liable, under the Army Act, 1881, section 41, to be tried by a Court-martial, such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps or detachment to which he belongs, or to the commanding officer of the nearest military station, for the purpose of being tried by Court-martial.

Delivery to Military authorities of persons liable to be tried by Court-martial.

Every Magistrate shall, on receiving a written application for that purpose by the commanding officer or any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

Apprehension of such persons.

550. Police-officers superior in rank to an officer in charge of a Police-station may exercise the same powers, throughout the local area to which they are appointed, as

Powers of superior officers of police.

may be exercised by such officer within the limits of his station.

551. Upon complaint made to a Presidency Magistrate or District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

552. Whenever any person causes a Police officer to arrest another person in a Presidency-town, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest to the person so arrested for his loss of time and expenses in the matter, as the Magistrate thinks fit.

In such cases, if more persons than one are arrested or complained against, the Magistrate may, in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.

All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.

553. With the previous sanction of the Governor General in Council, the High Court at Fort William, and, with the previous sanction of the Local Government, any other High Court established by Royal

Power to charter High Courts to make rules for inspection of records of subordinate Courts.

Power of other High Courts to make rules for other purposes.

Charter, may, from time to time, make rules for the inspection of the records of subordinate Courts.

Every High Court not established by Royal Charter may, from time to time, and with the previous sanction of the Local Government,

(a) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts ;

(b) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided ;

(c) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it ; and

(d) make rules for regulating the execution of warrants issued under this Code for the levy of fines :

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

All rules made under this section shall be published in the local official Gazette.

554. Subject to the power conferred by section 553,

Forms. and by the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, the forms set forth in the fifth schedule with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

555. No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial any case to or in which he is a party, or personally interested, and no

Case in which Judge or Magistrate is personally interested.

Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

Explanation.—A Judge or Magistrate shall not be deemed to be a party or personally interested, within the meaning of this section, to or in any case, merely because he is a Municipal Commissioner.

556. The Local Government may determine what, for the purposes of this Code, shall be deemed to be the language of each Court within the territories administered by such Government, other than the High Courts established by Royal Charter.

557. All powers conferred by this Code on the Governor General in Council or on the Local Government may be exercised, from time to time as occasion requires.

558. The provisions of this Code shall apply, so far as may be, to all cases pending in any Criminal Court when this Code comes into force.

* 559. A public servant, having any duty to perform in connection with the sale of any property under this Code, shall not purchase or bid for the property.

Officers concerned in sales not to purchase or bid for property.

* See Sec. 16, Act No. X of 1886.

SCHEDULE I.

ENACTMENTS REPEALED.

(a).—*Statute.*

Year, reign and chapter.	Title.	Extent of repeal.
13 Geo. III, chapter 63 ...	An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Section 38.

(b).—*Acts of the Governor General in Council.*

Number and year.	Subject.	Extent of repeal.
XXIII of 1840	Execution of process	So much as has not been repealed.
XLV of 1860	Penal Code ...	The illustrations to section 214.
V of 1861	Police Act ...	Section 6 and the last nine words of section 24. Section 35, down to and including the words "Provided that."

SCHEDULE I.—*continued.*ENACTMENTS REPEALED—*continued.*(b).—*Acts of the Governor General in Council—(continued)*

Number and year.	Subject.	Extent of repeal.
XVIII of 1862	Criminal Procedure, Supreme Courts.	So much as has not been repeal- ed.
VI of 1864	Whipping ...	Section 7.
II of 1869	Justices of the Peace	So much as has not been repeal- ed.
XXII of 1870	Application to Europe- an British subjects of Acts conferring sum- mary jurisdiction.	So much as has not been repeal- ed.
IV of 1872	Panjab Laws ...	So far as it relates to Bengal Regu- lation XX of 1825.
X of ,,	The Code of Criminal Procedure.	So much as has not been repeal- ed.
XI of 1874	Amending the Code of Criminal Procedure.	The whole.
XV of 1874	Laws Local Extent ..	So far as it relates to Bengal Regu- lation XX of 1825.

SCHEDULE I.—*continued.*ENACTMENTS REPEALED—*continued.*(b).—*Acts of the Governor General in Council—(concluded.)*

Number and year.	Subject.	Extent of repeal.
X of 1875	High Courts' Criminal Procedure.	The whole Act, except section 144 and so much of section 146 as relates to informations.
XX of 1875	Central Provinces Laws	So far as it relates to Bengal Regulation XX of 1825.
XVIII of 1876	Oudh Laws ...	Ditto.
IV of 1877	Presidency Magistrates	The whole Act, except section 57.
XXI of 1879	Extradition ...	Chapter III.
X of 1881	Coroners ...	Sections 8 and 9.

(c).—*Regulations.*

Bengal Regulation XX of 1825	Jurisdiction of Courts Martial.	So much as has not been repealed.
III of 1872	Santhal Parganas Settlement.	So far as it relates to Act X of 1872.
IX of 1874	Arakan Hills District Laws.	So far as it relates to Acts II of 1869, X of 1872 and XI of 1874.
III of 1877	Ajmer Laws ...	So far as it relates to Bengal Regulation XX of 1825.

(d).—*Act of the Governor of Fort St. George in Council.*

VIII of 1867	Police ...	Section 9.
--------------	------------	------------

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

EXPLANATORY NOTE.—The entries in the second and seventh columns of this schedule, headed respectively “Offence” and “Punishment under the Indian Penal Code”, are not intended as definitions of the offences and punishments described in the several corresponding sections of

CHAPTER V.—ABETMENT.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto ...	Ditto ...
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	Ditto ...	Ditto ...

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

The third column of this schedule applies to the Police in the towns of Calcutta and Bombay.

CHAPTER V.—ABETMENT.

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
According as the of- fence abet- ted is bail- able or not.	According as the of- fence abet- ted is com- poundable or not.	The same punish- ment as for the offence abetted.	The Court by which the of- fence abetted is triable.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	The same punish- ment as for the offence in- tended to be abetted.	Ditto.

SCHEDULE II.—*continued.*CHAPTER V.—ABETMENT — *continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.
114	Abetment of any offence, if abettor is present when offence is committed.	Ditto ..	Ditto ...
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ..	Ditto ...
	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER V.—ABETMENT—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
According as the of- fence abet- ted is bail- able or not.	According as the of- fence abet- ted is com- poundable or not.	The same punish- ment as for the offence com- mitted.	The Court by which the of- fence abetted is triable.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Not bailable	Ditto ...	Imprisonment of either descrip- tion for 7 years and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 14 years and fine.	Ditto.

SCHEDULE II.—*continued.*CHAPTER V.—ABETMENT.—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto ...	Dittoq ...
117	Abetting the commission of an offence by the public, or by more than ten persons.	ditto ...	Dittoq ...

SCHEDULE II.—continued.
CHAPTER V.—ABETMENT—continued.

5	6	7	8
Whether bailable or not,	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	The Court by which the offence abetted is triable.
Ditto ...	Ditto ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.

SCHEDULE II.—continued.
CHAPTER V.—ABETMENT.—continued.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
118	<p>Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.</p> <p>If the offence be not committed.</p>	<p>May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.</p> <p>Ditto . . .</p>	<p>According as a warrant or summons may issue for the offence abetted.</p> <p>Ditto . . .</p>
119	<p>A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.</p> <p>If the offence be punishable with death or transportation for life.</p>	<p>Ditto . . .</p> <p>Ditto . . .</p>	<p>Ditto . . .</p> <p>Ditto . . .</p>

SCHEDULE II.—*continued.*
CHAPTER V.—ABETMENT—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable	According as the of- fence abet- ted is coun- poundable or not.	Imprisonment of either descrip- tion for 7 years and fine.	The Court by which the of- fence abetted is triable.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 years and fine.	Ditto.
According as the offence abetted is bailable or not.	Ditto ...	Imprisonment ex- tending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
Not bailable	Ditto ...	Imprisonment of either descrip- tion for 10 years.	Ditto.

SCHEDULE II.—*continued.*CHAPTER V.—ABETMENT.—*concluded.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
120	If the offence be not committed.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.
	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed. If the offence be not committed.	Ditto ... Ditto ..	Ditto ... Ditto ...

SCHEDULE II.—*continued.*
CHAPTER V.—ABETMENT.—*concluded.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
According as the of- fence abet- ted is bail- able or not.	According as the of- fence abet- ted is com- poundable or not.	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	The Court by which the offence abet- ted is triable.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.	Ditto.

SCHEDULE II.—*continued.*

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1	2	3	4
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.	Shall not arrest without warrant.	Warrant ...
121A	Conspiring to commit certain offences against the State.	Ditto ...	Ditto ...
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...
123	Concealing with intent to facilitate a design to wage war.	Ditto ..	Ditto ...

SCHEDULE II.—*continued.*

CHAPTER VI. OFFENCES AGAINST THE STATE.

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable	Not com- poundable.	Death, or trans- portation for life, and forfei- ture of pro- perty.	Court of Ses- sion.
Ditto ...	Ditto ..	Transportation for life or any shorter term, or imprisonment of either des- cription for 10 years.	Ditto.
Ditto ...	Ditto ...	Transportation for life, or im- prisonment of either descrip- tion for 10 years, and or- feiture of pro- perty,	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 10 years and fine.	Ditto.

SCHEDULE II.—*continued.*CHAPTER VI. OFFENCES AGAINST THE STATE—*contd.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Shall not arrest without warrant.	Warrant ...
124A	Exciting, or attempting to excite, disaffection.	Ditto ...	Ditto ...
125.	Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...
126	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER VI. OFFENCES AGAINST THE STATE—*contd.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Transportation for life or for any term and fine, or imprison- ment of either description for 3 years and fine, or fine.	Ditto.
Ditto ...	Ditto ...	Transportation for life and fine, or imprison- ment of either description for 7 years and fine, or fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 7 years and fine, and forfeiture of certain proper- ty.	Ditto.

SCHEDULE II.—*continued.*CHAPTER VI. OFFENCES AGAINST THE STATE—*condd.*

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Shall not arrest without warrant.	Warrant ..
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER VI. OFFENCES AGAINST THE STATE—*concl'd.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Imprisonment of either des- cription for 7 years and fine, and forfeiture of certain pro- perty.	Court of Ses- sion.
Ditto ...	Ditto ...	Transportation for life, or im- prisonment of either descrip- tion for 10 years, and fine.	Ditto.
Bailable ...	Ditto ...	Simple imprison- ment for 3 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Not bailable	Ditto ...	Transportation for life, or im- prisonment of either descrip- tion for 10 years, and fine.	Court of Ses- sion.

SCHEDULE II.—*continued.*

CHAPTER VII. OFFENCES RELATING TO THE ARMY AND NAVY.

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...
133	Abetment of an assault by an officer, soldier or sailor on his superior officer, when in the execution of his office.	Ditto ...	Ditto
134	Abetment of such assault, if the assault is committed.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER VII. OFFENCES RELATING TO THE ARMY
AND NAVY.

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Transportation for life, or im- prisonment of either descrip- tion for 10 years, and fine.	Court of Ses- sion.
Ditto ..	Ditto ...	Death, or trans- portation for life, or imprison- ment of either description for 10 years, and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 years and fine.	Court of Ses- sion, Presi- dency Ma- gistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion.

SCHEDULE II.—*continued.*

CH AFTER VII. OFFENCES RELATING TO THE ARMY AND NAVY.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
135	Abetment of the desertion of an officer, soldier or sailor.	May arrest without warrant.	Warrant ..
136	Harbouring such an officer, soldier or sailor who has deserted.	Ditto ...	Ditto ...
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence.	May arrest without warrant.	warrant ...
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...

SCHEDULE II.—*continued.*

CHAPTER VII. OFFENCES RELATING TO THE ARMY AND NAVY.

5	6	7	8
Whether bailable or not.	Whether compoundable or not	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Fine of 500 rupees ...	Ditto.
Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE II.—*continued.*CHAPTER VIII. OFFENCES AGAINST THE PUBLIC
TRANQUILLITY.

1	2	3	4
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
143	Being member of an unlawful assembly.	May arrest without warrant.	Summons ...
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse,	Ditto ...	Ditto ...
147	Rioting ...	Ditto ...	Ditto ...
148	Rioting, armed with a deadly weapon.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC
TRANQUILLITY—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 6 months, or fine, or both.	Any Magis- trate.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Ma- gistrate or Magistrate of the 6 th class

SCHEDULE II.—*continued.*CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC
TRANQUILLITY—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto ...	Summons ...

SCHEDULE II.—*continued.*CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC
TRANQUILLITY—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
According as the offence is bailable or not.	Not com- poundable.	The same as for the offence.	The Court by which the of- fence is tri- able.
Ditto ...	Ditto ...	The same as for a member of such assembly, and for any of- fence commit- ted by any member of such assembly.	Ditto.
Bailable ...	Ditto ...	Imprisonment of either des- cription for 6 months, or fine, or both.	Any Magis- trate.

SCHEDULE II.—*continued.*CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC
TRANQUILLITY—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
152	Assaulting or obstructing public servant when suppressing riot, &c.	May arrest without warrant.	Warrant ...
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...
	If not committed ...	Ditto ...	Summons ..
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...

SCHEDULE II.—*continued.*CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC
TRANQUILLITY—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 1 year, or fine, or both.	Any Magis- trate.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 6 months, or fine, or both.	Ditto.
Ditto ...	Ditto ...	Fine of 1,000 rupees.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II.—*continued.*CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC
TRANQUILLITY—*continued.*

1	2	3	4
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Shall not arrest without warrant.	Summons ...
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ...	Ditto ...
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto ..
158	Being hired to take part in an unlawful assembly or riot.	Ditto ..	Ditto ...

SCHEDULE II.—*continued.*CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC
TRANQUILLITY—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Fine ...	Pre s i d e n c y Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ..	Ditto ...	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 6 months, or fine, or both.	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto.

SCHEDULE II.—*continued.*CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC
TRANQUILLITY—*concluded.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
160	Or to go armed ...	May arrest without warrant.	Warrant ...
	Committing affray.	Shall not arrest without warrant.	Summons ...

CHAPTER IX.—OFFENCES BY OR RELATING TO
PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...
-----	--	-----------------------------------	-------------

SCHEDULE II.—*continued.*CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC
TRANQUILLITY—*concluded.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 1 month, or fine of 100 rupees, or both.	A n y Magis- trate.

CHAPTER IX.—OFFENCES BY OR RELATING TO
PUBLIC SERVANTS.

Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
--------------	------------------------	---	--

SCHEDULE II.—*continued.*CHAPTER IX.—OFFENCES BY OR RELATING TO
PUBLIC SERVANTS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Shall not arrest without warrant.	Summons ...
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ..	Ditto ...
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...
165	Public servant obtaining any valuable thing without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER IX.—OFFENCES BY OR RELATING TO
PUBLIC SERVANTS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Simple impri- sonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Simple impri- sonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II.—*continued.*CHAPTER IX.—OFFENCES BY OR RELATING TO
PUBLIC SERVANTS—*continued.*

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Shall not arrest without warrant.	Summons ...
167	Public servant framing an incorrect document with intent to cause injury.	Ditto ..	Ditto ...
168	Public servant unlawfully engaging in trade.	Ditto ...	Ditto ...
169	Public servant unlawfully buying or bidding for property.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER IX.—OFFENCES BY OR RELATING TO
PUBLIC SERVANTS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Simple imprison- ment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Simple imprison- ment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Simple imprison- ment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.

SCHEDULE II.—*continued.*CHAPTER IX.—OFFENCES BY OR RELATING TO
PUBLIC SERVANTS—*concluded.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
170	Personating a public servant.	May arrest without warrant.	Warrant ...
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...

CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ..
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ..	Ditto ...

SCHEDULE II.—*continued.*CHAPTER IX.—OFFENCES BY OR RELATING TO
PUBLIC SERVANTS—*concluded.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 2 years. or fine, or both.	Any Magis- trate.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS.

Bailable ..	Not com- poundable.	Simple impri- sonment for 1 month, or fine of 500 rupees, or both.	Any Magis- trate.
Ditto ...	Ditto ...	Simple impri- sonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*continued.*

1	2	3	4
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Shall not arrest without warrant.	Summons ...
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Simple impri- sonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Simple impri- sonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
Ditto ...	Ditto ...	Simple impri- sonment for 1 month, or fine of 500 rupees, or both.	Any Magis- trate.
Do ..	Ditto ...	Simple impri- sonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
175	Intentionally omit- ting to produce a document to a public servant by a person legally bound to produce or deliver such do- cument.	Shall not ar- rest without warrant.	Summons ...
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*continued.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable ...	Not com- poundable.	Simple impri- sonment for 1 month, or fine of 500 rupees, or both.	The Court in which the offence is committed, subject to the provi- sions of Chapter XXXV; or, if not com- mitted in a Court, a Pre- sidency Ma- gistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Simple impri- sonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Shall not arrest without warrant.	Summons.
	If the notice or information required respects the commission of an offence, &c.	Ditto ...	Ditto ...
177	Knowingly furnishing false information to a public servant.	Ditto ...	Ditto ...
	If the information required respects the commission of an offence, &c.	Ditto ..	Ditto ...

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Simple imprison- ment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Simple impri- sonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for two years, or fine, or both.	Ditto.

SCHEDULE II.—*continued.*
 CHAPTER X.—CONTEMPTS OF THE LAWFUL
 AUTHORITY OF PUBLIC SERVANTS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
178	Refusing oath when duly required to take oath by a public servant.	Shall not arrest without warrant.	Summons.
179	Being legally bound to state truth, and refusing to answer questions.	Ditto	... Ditto ...

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Simple impri- sonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the of- fence is com- mitted, sub- ject to the provisions of Chapter XXXV; or, if not com- mitted in a Court, a Pre- sidency Ma- gistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Ditto ...	Ditto.

SCHEDULE II.—continued.
CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—continued.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Shall not arrest without warrant.	Summons ...
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ...	Warrant ...
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ...	Summons ...

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Simple imprison- ment for 3 months, or fine of 500 rupees, or both.	The Court in which the of- fence is com- mitted, sub- ject to the provisions of C h a p t e r XXXV; or, if not commit- ted in a Court, a Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of of either des- cription for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
183	Resistance to the taking of property by the lawful authority of a public servant.	Shall not arrest without warrant.	Summons ...
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto ...	Ditto ...
185	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either, des- cription for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 1 month, or fine of 500 rupees, or both.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 1 month, or fine of 200 rupees, or both.	Ditto.

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*continued.*

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
186	Obstructing public servant in discharge of his public functions.	Shall not arrest without warrant.	Summons ...
187	Omission to assist public servant when bound by law to give such assistance.	Ditto ...	Ditto ...
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto ...	Ditto ...
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 3 months, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Simple impri- sonment for 1 month, or fine of 200 rupees, or both.	Ditto.
Ditto ...	Ditto ...	Simple impri- sonment for 6 months, or fine of 500 rupees, or both.	Ditto.
Ditto ...	Ditto ...	Simple impri- sonment for 1 month, or fine of 200 rupees, or both.	Ditto.

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*concluded.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
	If such disobedience causes danger to human life, health or safety, &c.	Shall not arrest without warrant.	Summons ...
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER X.—CONTEMPTS OF THE LAWFUL
AUTHORITY OF PUBLIC SERVANTS—*concluded.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 2 years, or fine, or both.	Ditto.
Ditto ...	Ditto ..	Imprisonment of either des- cription for 1 year, or fine, or both.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE.

1	2	3	4
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ...
	Giving or fabricating false evidence in any other case.	Ditto ...	Ditto ...
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...
	If innocent person be thereby convicted and executed.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*concluded.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 7 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 3 years and fine.	Ditto.
Not bailable.	Ditto ..	Transportation for life, or rigorous impri- sonment for 10 years, and fine.	Court of Ses- sion.
Ditto ...	Ditto ..	Death, or as above.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards.	Shall not arrest without warrant.	Warrant ...
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ...
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...

• SCHEDULE II.—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	The same as for the offence.	Court of Ses- sion.
According as the of- fence of giving such evidence is bailable or not.	Ditto ..	The same as for giving or fabri- cating false evidence.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Bailable ...	Ditto ...	The same as for giving false evidence.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1	2	3	4
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
198	Using as a true certificate one known to be false in a material point.	Shall not arrest without warrant.	Warrant. ...
199	False statement made in any declaration which is by law receivable as evidence.	Ditto ...	Ditto ...
200	Using as true any such declaration known to be false.	Ditto ...	Ditto ...
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	The same as for giving false evidence.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Ditto ..	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
	If punishable with transportation for life or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant ..
	If punishable with less than 10 years. imprisonment.	Ditto ...	Ditto ...
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ...	Summons ...
203	Giving false information respecting an offence committed.	Ditto ...	Warrant ...

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 3 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the of- fence is tri- able.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
204	Secreting or destroying any document to prevent its production as evidence.	Shall not arrest without warrant.	Warrant ..
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto ...	Ditto ...
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate, or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Shall not arrest without warrant.	Warrant ...
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto ...	Ditto ...
209	False claim in a Court of Justice.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Ditto ...	Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 2 years and fine.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant ...
211	False charge of offence made with intent to injure.	Ditto ...	Ditto ...
	* If offence charged be punishable with imprisonment for seven years.	Ditto ...	Ditto ...
	If offence charged be capital, or punishable with transportation for life, or with imprisonment for a term exceeding 7 years.	Ditto ...	Ditto ...

* See Sec. 17 Act No. X of 1886.

SCHEDULE II.—*continued.*CHAPTER XL.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Ditto	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for seven years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
212	<p>Harbouring an offender, if the offence be capital.</p> <p>If punishable with transportation for life, or with imprisonment for 10 years.</p> <p>If punishable with imprisonment for one year and not for 10 years.</p>	<p>May arrest without warrant.</p> <p>Ditto ...</p> <p>Ditto ...</p>	<p>Warrant ...</p> <p>Ditto ...</p> <p>Ditto ...</p>
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 5 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 years and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the the first class, or Court by which the offence is tri- able.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion.

SCHEDULE II.—*continued.*CHAPTER XL.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
	If punishable with transportation for life or with imprisonment for 10 years.	Shall not arrest without warrant.	Warrant ..
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...
214	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	Ditto ..	Ditto ...
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 3 years and fine.	Court of Ses- sion, Presi- dency Magis- trate, or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the of- fence is tri- able.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 7 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 3 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
	If with imprisonment for less than 10 years.	Shall not arrest without warrant.	Warrant ...
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ...	Ditto ...
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the of- fence is tri- able.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ..	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
	If punishable with transportation for life, or with imprisonment for 10 years.	May arrest without warrant.	Warrant ...
	If with imprisonment for 1 year, and not for 10 years.	Ditto ...	Ditto ...
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 3 years, with or with- out fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is tri- able.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Warrant ...
219	Public servant in a judicial proceeding corruptly making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Ditto ...	Ditto ...
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XL.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 3 years, or fine, or both.	Court of Ses- sion.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 7 years, or fine, or both.	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
221	<p data-bbox="272 635 536 874">Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.</p> <p data-bbox="272 890 536 1018">If punishable with transportation for life, or imprisonment for 10 years.</p> <p data-bbox="272 1209 536 1305">If with imprisonment for less than 10 years.</p>	<p data-bbox="552 643 754 738">Shall not arrest without warrant.</p> <p data-bbox="552 898 754 938">Ditto ...</p> <p data-bbox="552 1217 754 1257">Ditto ..</p>	<p data-bbox="769 643 954 675">Warrant ...</p> <p data-bbox="769 898 954 938">Ditto ...</p> <p data-bbox="769 1217 954 1257">Ditto ...</p>

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 7 years, with or without fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 3 years, with or without fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 2 years, with or without fine.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Shall not arrest without warrant.	Warrant ...
	If under sentence of transportation or penal servitude for life, or transportation, imprisonment or penal servitude for 10 years or upwards.	Ditto ...	Ditto ...
	If under sentence of imprisonment for less than 10 years; or lawfully committed to custody.	Ditto ...	Ditto. ...

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Transportati o n for life, or im- prisonment of either descrip- tion for 14 years, with or without fine.	Court of Sea- sion.
Ditto ...	Ditto ...	Imprison m e n t of either des- cription for 7 years, with or without fine.	Ditto.
Bailable ...	Ditto ...	Imprison m e n t of either des- cription for 8 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.

SCHEDULE II—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
223	Escape from confinement negligently suffered by a public servant.	Shall not arrest without warrant.	Summons ...
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Simple imprison- ment for 2 years, or fine, or both,	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 2 years, or fine, or both.	Ditto.
Bailable ...	Ditto ...	Ditto ...	Ditto.
Not bailable.	Ditto ...	Imprisonment of either des- cription for 3 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
	If charged with a capital offence.	May arrest without warrant.	Warrant. ...
	If the person is sentenced to transportation for life, or to transportation, penal servitude or imprisonment for 10 years or upwards.	Ditto ...	Ditto ...
	If under sentence of death.	Ditto ...	Ditto ...
225A*	Omission to apprehend, or sufferance of escape, on part of public servant in cases not otherwise provided for—		

* See Sec. 18 Act No. X of 1886.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
No bailable	Not com- poundable.	Imprisonment of either de- scription for 7 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Transportation for life, or im- prisonment of either descrip- tion for 10 years, and fine.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a war- rant or a sum- mons shall ordinarily issue in the first instance.
	(a) in case of inten- tional omission or sufferance.	Shall not ar- rest without warrant.	Warrant ...
	(b) in case of neg- ligent omission or sufferance.	Ditto ..	Summons. ...
225B	Resistance or ob- struction to lawful apprehension or escape or rescue, in cases not other- wise provided for.	May arrest without war- rant.	Warrant. ...
226	Unlawful return from transporta- tion.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XL.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Simple imprison- ment for two years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for six months, or fine or both.	Ditto ...
Not bailable.	Ditto ...	Transportation for life, and fine and rigorous imprisonment for 3 years be- fore transpor- tation.	Court of Ses- sion.

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*concluded.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ...
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...
229	Personation of a juror or assessor.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XI.—FALSE EVIDENCE AND OFFENCES
AGAINST PUBLIC JUSTICE—*concluded.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Punishment of original sen- tence, or, if part of the punishment has been under- gone, the resi- due.	The Court by which the original of- fence was triable.
Bailable ...	Ditto ...	Simple impri- sonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the of- fence is com- mitted, sub- ject to the provisions of Chapter XXXV.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.

SCHEDULE II.—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	May arrest without warrant.	Warrant ...
232	Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin.	Ditto ...	Ditto ...
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto ...	Ditto ...
234	Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Transportation for life, or im- prisonment of either descrip- tion for 10 years, and fine.	Ditto ...
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion.

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND
GOVERNMENT STAMPS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	May arrest without warrant.	Warrant ..
	If Queen's coin ...	Ditto ...	Ditto ...
236	Abetting in British India the counterfeiting out of British India of coin.	Ditto ..	Ditto ...
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND
GOVERNMENT STAMPS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Imprisonment of either des- cription for 3 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 10 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	The punishment provided for abetting the counterfeiting of such coin within British India.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 3 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	May arrest without warrant.	Warrant ...
239	Having any counterfeit coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...
240	The same with respect to the Queen's coin.	Ditto ...	Ditto ...
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Transportation for life, or im- prisonment of either descrip- tion for 10 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 5 years and fine.	Court of Ses- sion, Presi- dency Magis- trate, or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 10 years and fine.	Ditto.
Ditto ...	Ditto ..	Imprisonment of either des- cription for 2 years, or fine of 10 times the value of the coin coun- terfeited, or both.	Presidency Magistrate or Magistrate of the first or second class-

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND
GOVERNMENT STAMPS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	May arrest without warrant.	Warrant ..
243	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...
244	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not compoundable.	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
Ditto ...	Ditto ...	Ditto ..	Court of Session.

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND
GOVERNMENT STAMPS—*continued.*

1	2	3	4
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
245	Unlawfully taking from a Mint any coining instrument.	May arrest without warrant.	Warrant ...
246	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto ...	Ditto ...
247	Fraudulently diminishing the weight or altering the composition of the Queen's coin.	Ditto ...	Ditto ...
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ..	Imprisonment of either descrip- tion for 7 years and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 years and fine.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND
GOVERNMENT STAMPS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
249	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.	May arrest without warrant.	Warrant ...
250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...
251	Delivery of Queen's coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND
GOVERNMENT STAMPS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 5 years and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 10 years and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 years and fine.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND
GOVERNMENT STAMPS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a war- rant or a sum- mons shall ordinarily issue in the first instance.
253	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.	May arrest without warrant.	Warrant ...
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...
255	Counterfeiting a Government stamp.	Ditto ...	Ditto ...
256	Having possession of an instrument or material for the purpose counterfeiting a Government stamp.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- pound- able.	Imprisonment of either descrip- tion for 5 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 2 years, or fine of ten times the value of the coin.	Pres id e n c y Magistrate or Magistrate of the first or second class.
Bailable ...	Ditto ...	Transport at i o n for life, or im- prisonment of either descrip- tion for 10 years, and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Imprisonm e n t of either des- cription for 7 years and fine.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND
GOVERNMENT STAMPS—*continued.*

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	May arrest without warrant.	Warrant ...
258	Sale of counterfeit Government stamp.	Ditto ...	Ditto ...
259	Having possession of a counterfeit Government stamp.	Ditto ...	Ditto ...
260	Using as genuine a Government stamp known to be counterfeit.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND
GOVERNMENT STAMPS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Ditto ...	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 7 years, or fine, or both.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND
GOVERNMENT STAMPS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government.	May arrest without warrant.	Warrant. ...
262	Using a Government stamp known to have been before used.	Ditto ...	Ditto ...
263	Erasure of mark denoting that stamp has been used.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES RELATING TO COIN AND
GOVERNMENT STAMPS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ..	Imprisonment of either descrip- tion for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.

SCHEDULE II.—*continued.*CHAPTER XIII.—OFFENCES RELATING TO
WEIGHTS AND MEASURES.

1	2	3	4
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...
265	Fraudulent use of false weight or measure.	Ditto ..	Ditto ...
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ..
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...
-----	--	-----------------------------	-------------

SCHEDULE II.—*continued.*CHAPTER XIII.—OFFENCES RELATING TO
WEIGHTS AND MEASURES.

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto.

CHAPTER XIV. - OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS.

Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 6 months, or fine, or both.	Presiden cy Magistrate or Magistrate of the first or second class.
--------------	------------------------	--	--

SCHEDULE II.—*continued.*CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS—*continued.*

1	2	3	4
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ...
272	Adulterating food or drink intended for sale, so as to make the same noxious.	Ditto ...	Ditto ..
273	Selling any food or drink as food and drink knowing the same to be noxious.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 6 months, or fine, or both.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 6 months, or fine of 1,000 rupees, or both.	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto.

SCHEDULE II.—continued.
CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS—continued.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Shall not arrest without warrant.	Summons ...
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ..	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENC, DECENCY
AND MORALS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Ditto ..	Ditto.

SCHEDULE II—*continued.*CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
277	Defiling the water of a public spring or reservoir.	May arrest without war- rant.	Summons ...
278	Making atmosphere noxious to health.	Shall not ar- rest without warrant.	Ditto ...
279	Driving or riding on a public way so rashly or negli- gently as to en- danger human life, &c.	May arrest without war- rant.	Ditto ...
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...
281	Exhibition of a false light, mark or buoy.	Ditto ...	Warrant ...

SCHEDULE II.—*continued.*CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 3 months, or fine of 500 rupees, or both.	Any Magis- trate.
Ditto ...	Ditto ...	Fine of 500 rupees.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 6 months, or fine of 1,000 rupees, or both.	Ditto.
Ditto ...	Ditto ...	Ditto ...	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 7 years, or fine, or both.	Court of Ses- sion.

SCHEDULE II.—continued.
CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE DECENCY
AND MORALS—continued.

1 Section	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	May arrest without warrant.	Summons ...
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto ...	Ditto ...
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May 'arrest without warrant.	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ..	Not com- poundable.	Imprisonment of either descrip- tion for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Fine of 200 rupees.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 6 months, or fine of 1,000 rupees, or both.	Ditto.
Ditto ...	Ditto ...	Ditto ...	Any Magis- trate.

SCHEDULE II.—continued.
CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS—continued.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
286	So dealing with any explosive substance.	May arrest without warrant.	Summons ...
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 6 months, or fine of 1,000 rupees, or both.	Any Magis- trate.
Ditto ...	Ditto ...	Ditto ...	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Ditto ...	Ditto.

SCHEDULE II.—*continued.*
**CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
 HEALTH, SAFETY, CONVENIENCE, DECENCY
 AND MORALS—*continued.***

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Summons ...
290	Committing a public nuisance.	Shall not arrest without warrant.	Ditto ...
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ...
292	Sale, &c., of obscene books, &c.	Ditto ...	Warrant ...

SCHEDULE II.—*continued.*CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS—*continued*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 6 months, or fine of 1,000 rupees, or both.	Any Magis- trate.
Ditto ...	Ditto ...	fine of 200 rupees	Ditto.
Ditto ...	Ditto ..	Simple imprison- ment for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 months, or fine, or both.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS—*concluded.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
293	Having in possession obscene book, &c., for sale or exhibition	May arrest without warrant.	Warrant ..
294	Obscene songs.	Ditto ...	Ditto ...
294A	Keeping a lottery-office.	Shall not arrest without warrant.	Summons ...
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons—	May arrest without warrant.	Summons ...
-----	---	-----------------------------	-------------

SCHEDULE II.—*continued.*CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC
HEALTH, SAFETY, CONVENIENCE, DECENCY
AND MORALS—*concluded.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 3 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Ditto ...	Ditto ...
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 6 months, or fine, or both.	Any Magis- trate-
Ditto ...	Ditto ...	Fine of 1,000 rupees.	Ditto ...

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II.—continued.
CHAPTER XV.—OFFENCES RELATING TO
RELIGION—concluded.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
296	Causing a disturbance to an assembly engaged in religious worship.	May arrest without warrant.	Summons ...
297	Trespassing in place of worship or sepulchre, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto ...

SCHEDULE II.—continued.
CHAPTER XV.—OFFENCES RELATING TO
RELIGION—concluded.

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Compound- able.	Ditto ...	Ditto.

SCHEDULE II.—continued.
CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY.
Of offences affecting life.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
302	Murder	May arrest without warrant.	Warrant ..
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c. If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c,	Ditto .. Ditto ...	Ditto ... Ditto ...

SCHEDULE II.—continued.
CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY.
Of offences affecting life.

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Death, or trans- portation for life, and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Death ...	Ditto.
Ditto ...	Ditto ...	Transportation for life, or im- prisonment of either descrip- tion for 10 years, and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 10 years, or fine, or both.	Ditto.

SCHEDULE II.—continued.
CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—continued.
Offences affecting life—continued.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
304A	Causing death by rash or negligent act.	May arrest without warrant.	Warrant ...
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Ditto ...	Ditto ...
306	Abetting the commission of suicide.	Ditto ...	Ditto ...
307	Attempt to murder.	Ditto ...	Ditto ...
	If such act cause hurt to any person.	Ditto ..	Ditto ...

SCHEDULE II.—continued.
CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—continued.
Offences affecting life—continued.

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Court of Ses- sion, Premi- dency Magis- trate or Ma- gistrate of the first class.
Not bailable	Ditto ...	Death, or trans- portation for life, or impri- sonment for 10 years, and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 10 years and fine.	Ditto.
Ditto ..	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ..	Transportation for life, or as above.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.**Of offences affecting life—concluded.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
308	Attempt by life-convict to murder, if hurt is caused.	May arrest without warrant.	Warrant ...
	Attempt to commit culpable homicide	Ditto ...	Ditto ...
	If such act cause hurt to any person.	Ditto ...	Ditto ...
309	Attempt to commit suicide.	Ditto ...	Ditto ...
311	Being a thug.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.**Of offences affecting life—concluded.*

5	6	7.	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Death, or as above.	Court of Ses- sion.
Bailable ...	Ditto	Imprisonment of either descrip- tion for 3 years, or fine, or both.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 7 years, or fine, or both.	Ditto.
Ditto ...	Ditto ...	Simple impri- sonment for one year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
Not bailable	Ditto ...	Transportation for life and fine.	Court of Ses- sion.

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.*

*Of the Causing of Miscarriage ; of Injuries to Unborn Children ;
of the Exposure of Infants ; and of the Concealment
of Births.*

1 Section.	2 Offence.	3 Whether the police may ar- rest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
312	Causing miscarriage	Shall not ar- rest without warrant.	Warrant ...
	If the woman be quick with child.	Ditto ...	Ditto ...
313	Causing miscarriage without woman's consent.	Ditto ...	Ditto ...
314	Death caused by an act done with in- tent to cause mis- carriage.	Ditto ...	Ditto ...
	If act done without woman's consent.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.*

*Of the Causing of Miscarriage ; of Injuries to Unborn Children ;
of the Exposure of Infants ; and of the Concealment
of Births.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ..	Not com- poundable.	Imprisonment of either descrip- tion for 3 years, or fine, or both.	Court of Ses- sion.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 7 years and fine.	Ditto.
Not bailable.	Ditto ...	Transportation for life, or im- prisonment of either descrip- tion for 10 years, and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 10 years and fine.	Ditto
Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XII.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.*

*Of the Causing of Miscarriage ; of Injuries to Unborn Children ;
of the Exposure of Infants ; and of the Concealment
of Births—continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Shall not arrest without warrant.	Warrant ...
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...
317	Exposure of a child under 12 years of age by parent or person having care of it, with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...
318	Concealment of birth by secret disposal of dead body.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.*

*Of the Causing of Miscarriage ; of Injuries to Unborn Children ;
of the Exposure of Infants ; and of the Concealment
of Births—concluded.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable	Not com- poundable.	Imprisonment of either des- cription for 10 years, or fine, or both.	Court of Ses- sion.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 10 years and fine.	Ditto
Bailable ...	Ditto ...	Imprisonment of either des- cription for 7 years, or fine, or both.	Ditto
Ditto ...	Ditto ...	Imprisonment of either des- cription for 2 years or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first or second class.

SCHEDULE II.—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Hurt.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
323	Voluntarily causing hurt.	Shall not arrest without warrant.	Summons ...
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...
325	Voluntarily causing grievous hurt.	Ditto ...	Ditto ...
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	Ditto ...	Warrant ...

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.*
Of Hurt.

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Compound- able.	Imprisonment of either descrip- tion for 1 year, or fine of 1,000 rupees, or both.	Any Magis- trate.
Ditto ...	Compound- able when per- mission is given by the court before which a prosecution is pending.	Imprisonment of either descrip- tion for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first or second class.
Ditto ...	Not com- poundable.	Imprisonment of either descrip- tion for 7 years and fine.	Ditto.
Not bailable	Ditto ...	Transportation for life, or imprison- ment of either des- cription for 10 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Magistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 10 years and fine.	Court of Ses- sion.

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.**Of Hurt—continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
328	Administering stupefying drug with intent to cause hurt, &c.	May arrest with- out warrant.	Warrant ...
329	Voluntarily causing grievous hurt to ex- tort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.	Ditto ...	Ditto ...
330	Voluntarily causing hurt to extort con- fession or informa- tion or to compel restoration of pro- perty, &c.	Ditto ...	Ditto ...
331	Voluntarily causing grievous hurt to ex- tort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVI. OFFENCES AFFECTING
THE HUMAN BODY—*continued.**Of Hurt—continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable	Not com- poundable.	Imprisonment of either des- cription for 10 years and fine.	Court of Ses- sion.
Ditto. ...	Ditto ...	Transporation for life, or im- prisonment of either descrip- tion for 10 years and fine.	Ditto.
Bailable ...	Ditto ...	Imprisonment of either des- cription for 7 years and fine.	Ditto.
Not bailable	Ditto ...	Imprisonment of either descrip- tion for 10 years and fine.	Ditto.

SCHEDULE II.—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Hurt—continued.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
332	Voluntarily causing hurt to deter public servant from his duty.	May arrest without warrant. ...	Warrant
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Shall not arrest without warrant.	Summons
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Ditto

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.**Of Hurt—continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for three years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Not bailable	Ditto ...	Imprisonment of either descrip- tion for 10 years and fine.	Court of Ses- sion.
Bailable ...	Compound- able ...	Imprisonment of either descrip- tion for 1 month, or fine of 500 rupees, or both.	Any Magis- trate.
Ditto ...	Compound- able when permission is given by the Court before which a pro- secution is pending.	Imprisonment of either descrip- tion for 4 years, or fine of 2,000 rupees, or both.	Court of Ses- sion, Presi- dency Magis- trate or Magis- trate of the first or second class.

SCHEDULE II.—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Hurt—concluded.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
336	Doing any act which endangers human life or the personal safety of others.	May arrest without warrant.	Summons
337	Causing hurt by an act which endangers human life, &c.	Ditto	Ditto
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto	Ditto

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.**Of Hurt—concluded.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 8 months, or fine of 250 rupees, or both.	Any Magis- trate.
Ditto ...	Compound- able when permission is given by the Court before which a prosecu- tion is pend- ing.	Imprisonment of either des- cription for 6 months, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 2 years, or fine of 1,000 rupees, or both.	Ditto

SCHEDULE II.—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Wrongful Restraint and Wrongful confinement.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...
342	Wrongfully confining any person.	Ditto ...	Ditto ...
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.**Of Wrongful Restraint and Wrongful confinement.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Compound- able	Simple im- prisonment for 1 month, or fine of 500 rupees, or both.	Any Magis- trate.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 1 year, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
Ditto ...	Not com- poundable.	Imprisonment of either des- cription for 2 years and fine.	Ditto
Ditto ...	Ditto ...	Imprisonment of either des- cription for 3 years and fine.	Court of session, Presidency Ma- gistrate or Ma- gistrate of the first or se- cond class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 2 years, in addi- tion to imprison- ment under any other section.	Ditto

SCHEDULE II.—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Wrongful Restraint and Wrongful Confinement.—concluded.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
346	Wrongful confinement in secret.	May arrest without warrant.	Summons ...
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.**Of Wrongful Restraint and Wrongful Confinement—concluded.*

5 Whether bailable or not.	6 Whether componu- dable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 2 years in addi- tion to imprison- ment under any other section.	Court of Ses- sion, Presi- dency Magis- trate or Magis- trate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 3 years and fine.	Ditto.
Ditto ...	Ditto ...	Ditto ...	Court of Ses- sion, Presi- dency Magis- trate or Magis- trate of the first class.

SCHEDULE II.—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE

HUMAN BODY—*continued.*

Of Criminal Force and Assault.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ...	Ditto ...
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...

SCHEDULE II.—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE

HUMAN BODY—*continued.**Of Criminal Force and Assault.*

5	6	7	8
Whether bailable or not,	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Compound- able.	Imprisonment of either descrip- tion for three months, or fine of 500 rupees, or both.	Any Magis- trate.
Ditto ...	Not com- poundable.	Imprisonment of either de- scription for 2 years, or fine, or both.	Presidency Ma- gistrate or Magistrate of the first or se- cond class.
Ditto ...	Ditto ...	Ditto ...	Ditto
Ditto ...	Compound- able.	Ditto ...	Ditto

SCHEDULE II.—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Criminal Force and Assault—concluded.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.**Of Criminal Force and Assault.—concluded.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Not bailable	Not com- poundable.	Imprisonment of either des- cription for 2 years, or fine, or both.	Any Magis- trate.
Bailable	Ditto	Imprisonment of either des- cription for 1 year, or fine of 1,000 rupees, or both.	Ditto.
Ditto	Compound- able.	Simple im- prisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

SCHEDULE II.—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Kidnapping, Abduction, Slavery and Forced Labour.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
363	Kidnapping ...	May arrest without war- rant.	Warrant ...
364	Kidnapping or ab- ducting in order to murder.	Ditto ...	Ditto ...
365	Kidnapping or abducting with in- tent secretly and wrongfully to con- fine a person.	Ditto ...	Ditto ...
366	Kidnapping or ab- ducting a woman to compel her mar- riage or to cause her defilement, &c.	Ditto ...	Ditto ...

SCHEDULE II.—continued.**CHAPTER XVI.—OFFENCES AFFECTING THE****HUMAN BODY—continued.***Of Kidnapping, Abduction, Slavery and Forced Labour.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Not bailable	Not com- poundable.	Imprisonment of either des- cription for 7 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Transportation for life, or rig- orous imprison- ment for 10 years and fine.	Court of Ses- sion. Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 7 years and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 10 years and fine.	Ditto.

SCHEDULE II.—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Kidnapping, Abduction, Slavery and Forced Labour.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	May arrest without warrant.	Warrant ...
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Ditto ...
371	Habitual dealing in slaves,	May arrest without warrant.	Ditto ...

SCHEDULE II.—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING

THE HUMAN BODY—*continued.**Of Kidnapping, Abduction, Slavery and Forced Labour.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Not bailable	Not com- poundable.	Imprisonment of either descrip- tion for 10 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 7 years and fine.	Ditto.
Bailable ...	Ditto ...	Ditto ...	Ditto.
Not bailable	Ditto ...	Transportation for life, or im- prisonment of either descrip- tion for 10 years and fine.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.**Of Kidnapping, Abduction, Slavery and Forced Labour.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
872	Selling or letting to hire a minor for purposes of prostitution, &c.	May arrest without warrant.	Warrant ...
873	Buying or obtaining possession of a minor for the same purposes.	Ditto ...	Ditto ...
874	Unlawful compulsory labour.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.**Of Kidnapping, Abduction, Slavery and Forced Labour.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By, what Court triable.
Not bailable	Not com- poundable.	Imprisonment of either des- cription for 10 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Magis- trate of the first class.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Bailable ...	Compound- able.	Imprisonment of either des- cription for 1 year, or fine, or both.	Any Magis- trate.

SCHEDULE II.—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Rape.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
376	Rape 	May arrest with- out warrant.	Warrant ..

Of Unnatural Offences.

377	Unnatural offences	May arrest with- out warrant.	Warrant ..
-----	--------------------	----------------------------------	-----------------

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft 	May arrest with- out warrant.	Warrant ...
-----	-------------------------	----------------------------------	------------------

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AFFECTING THE
HUMAN BODY—*continued.**Of Rape.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable	Not com- poundable.	Transportation for life, or imprison- ment of either des- cription for 10 years and fine.	Court of Ses- sion.

Of Unnatural Offences.

Not bailable	Not com- poundable.	Transportation for life, or imprison- ment of either description for 10 years and fine.	Court of Ses- sion.
--------------	------------------------	---	------------------------

CHAPTER XVII.—OFFENCES AGAINST
PROPERTY.*Of Theft.*

Not bailable	Not com- poundable.	Imprisonment of either descrip- tion for 3 years, or fine, or both.	Any Magis- trate.
--------------	------------------------	--	----------------------

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY.—*continued*¹*Of Theft.—continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
380	Theft in a building, tent or vessel.	May arrest without warrant.	Warrant ...
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY—*continued.**Of Theft.—continued.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Not bailable.	Not com- poundable.	Imprisonment of either descrip- tion for 7 years, and fine.	Any Magis- trate.
Ditto ...	Ditto ...	Ditto ...	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first or second class.
Ditto ...	Ditto ...	Rigorous im- prisonment for 10 years and fine.	Court of Ses- sion.

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY.—*continued.**Of Extortion.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
384	Extortion ...	Shall not arrest without warrant.	Warrant ...
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto ...	Ditto ...
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVI.—OFFENCES AGAINST
PROPERTY.—*continued.**Of Extortion.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 2 years, or fine, or both.	Ditto.
Not bailable.	Ditto ...	Imprisonment of either des- cription for 10 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 7 years, and fine.	Ditto.

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY.—*continued.**Of Extortion.—continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years. If the offence threatened be an unnatural offence.	Shall not arrest without warrant. Ditto ...	Warrant ... Ditto ...
389	Putting a person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion. If the offence be an unnatural offence.	Ditto ... Ditto ...	Ditto ... Ditto ...

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY.—*continued.**Of Extortion.—continued.*

5	6	7	8
Whether bailable or not.	Whether componu- dable or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Imprisonment of either descrip- tion for 10 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Transportation for life.	Ditto
Ditto ...	Ditto ...	Imprisonment of either des- cription for 10 years and fine.	Ditto.
Ditto ...	Ditto ...	Transportation for life.	Ditto.

SCHEDULE II.—*continued.*CHAPTER XVII.—OFFENCES AGAINST
PROPERTY.—*continued.**Of Robbery and Dacoity.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
392	Robbery ...	May arrest without warrant.	Warrant ...
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...
393	Attempt to commit robbery.	Ditto ...	Ditto ...
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.	Ditto ...	Ditto ...
395	Dacoity ...	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY.—*continued.**Of Robbery and Dacoity.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable.	Not com- poundable.	Rigorous impri- sonment for 10 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Magis- trate of the first class.
Ditto ...	Ditto ...	Rigorous impri- sonment for 14 years and fine.	Ditto.
Ditto ...	Ditto ...	Rigorous impri- sonment for 7 years and fine.	Ditto.
Ditto ...	Ditto ...	Transportation for life, or rigor- ous imprisonment for 10 years, and fine.	Ditto.
Ditto ...	Ditto ...	Ditto ...	Court of Ses- sion.

SCHEDULE II.—*continued.*CHAPTER XVII.—OFFENCES AGAINST
PROPERTY.—*continued.**Of Robbery and Dacoity—continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
396	Murder in dacoity	May arrest without warrant. ...	Warrant ...
397	Robbery or dacoity, with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto ...	Ditto ...
399	Making preparation to commit dacoity.	Ditto ...	Ditto ...
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVII.—OFFENCES AGAINST
PROPERTY—*continued.**Of Robbery and Dacoity—continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable	Not com- poundable.	Death, transpor- tation for life, or rigorous im- prisonment for 10 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Rigorous impri- sonment for not less than 7 years.	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Rigorous impri- sonment for 10 years and fine.	Ditto.
Ditto ...	Ditto ...	Transportation for life, or rigor- ous imprison- ment for 10 years, and fine.	Ditto.

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY—*continued.*

Of Criminal Misappropriation of Property—concluded.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Shall not arrest without warrant.	Warrant
405	If by clerk or person employed by deceased.	Ditto ...	Ditto

Of Criminal Breach of Trust.

406	Criminal breach of trust.	May arrest without warrant.	Warrant
-----	---------------------------	-----------------------------	---------

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY—*continued.**Of Criminal Misappropriation of Property—concluded.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 3 years and fine.	Court of Ses- sion, Presidency Magistrate or Magistrate of the first or se- cond class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 7 years and fine.	Ditto.

Of Criminal Breach of Trust.

Not bailable	Not com- poundable.	Imprisonment of either des- cription for 3 years, or fine, or both.	Court of Ses- sion, Presidency Magistrate or Magistrate of the first or se- cond class.
--------------	------------------------	---	--

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY.—*continued*¹

Of Criminal Breach of Trust—concluded.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
407	Criminal breach of trust by a carrier, wharfinger, &c.	May arrest without warrant.	Warrant ...
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...
409	Criminal breach of trust by public servant, or by banker, merchant or agent, &c.	Shall not arrest without warrant.	Ditto ...

Of the Receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...
-----	---	-----------------------------	-------------

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY—*continued.**Of Criminal Breach of Trust—concluded.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable	Not com- poundable.	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion, Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Ditto ...	Court of Ses- sion, Presidency Magistrate or Magistrate of the first or se- cond class.
Ditto ...	Ditto ...	Transportation for life, or impri- sonment of either description for 10 years, and fine.	Court of Ses- sion, Presidency Magistrate or Magistrate of the first class.

Of the Receiving of Stolen Property.

Not bailable	Not com- poundable.	Imprisonment of either des- cription for 3 years, or fine, or both.	Court of Ses- sion, Presidency Magistrate or Magistrate of the first or se- cond class.

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*continued.*

Of the Receiving of Stolen Property—concluded.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the following instances.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	May arrest without warrant.	Warrant ...
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY—*continued.**Of the Receiving of Stolen Property—concluded.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Not bailable	Not com- poundable.	Transportation for life, or rigor- ous imprison- ment for 10 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Transportation for life, or imprison- ment of either des- cription for 10 years and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first or second class.

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*continued.*

Of Cheating.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
417	Cheating	Shall not arrest without warrant.	Warrant ...
418	Cheating a person whose interest the offender was bound, either by law, or by legal contract, to protect.	Ditto ...	Ditto ...
419	Cheating by personation.	Ditto ...	Ditto ...
420	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVII.—OFFENCES AGAINST
PROPERTY.—*continued.**Of Cheating.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 1 year, or fine, or both.	Presidency Ma- gistrate or Ma- gistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Magis- trate of the first or second class.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 7 years, and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first class.

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—*continued.*

Of Fraudulent Deeds and Dispositions of Property.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto —
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...

SCHEDULE II.—continued.**CHAPTER XVII.—OFFENCES AGAINST
PROPERTY—continued.***Of Fraudulent Deeds and Dispositions of Property.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Presidency Ma- gistrate or Magistrate of the first or second class.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto.

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY.—*continued.*

Of Mischief.—continued.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
429	Mischief, by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	May arrest without warrant.	Warrant.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	Ditto ...	Ditto ...
431	Mischief by injury to public road, bridge, navigable river or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto ...	Ditto ...

SCHEDULE II.—

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY.—*continued*[Of Mischief—*continued*]

4
Whether a warrant or a summons shall ordinarily issue in the first instance.
Warrant.
Ditto
Ditto

5	6	7
Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.
Bailable.	Not compoundable.	Imprisonment of either description for years, or fine both.
Ditto	Ditto	Ditto
Ditto	Ditto	Ditto

SCHEDULE II.—*continued.*CHAPTER XVII.—OFFENCES AGAINST
PROPERTY.—*continued.**Of Mischief—concluded.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	May arrest without warrant. ...	Warrant ...
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto ...	Ditto ...
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ...	Ditto ...
439	Running vessel ashore with intent to commit theft, &c.	Ditto ...	Ditto ...
440	Mischief committed after preparation made for using death, or h ... &c.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY—*continued.**Of Mischief—concluded.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable	Not com- poundable.	Transportation for life, or im- prisonment of either description for 10 years and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 10 years and fine.	Ditto.
Ditto ...	Ditto ...	Transportation for life, or im- prisonment of either descrip- tion for 10 years and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 10 years and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 5 years and fine.	Ditto.

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*continued.* *Of Criminal Trespass.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
447	Criminal trespass...	May arrest with- out warrant.	Summons ...
448	House-trespass ...	Ditto ...	Warrant —
449	House-trespass in order to the com- mission of an of- fence punishable with death.	Ditto ...	Ditto ...
450	House-trespass in order to the com- mission of an of- fence punishable with transportation for life.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY—*continued.**Of Criminal Trespass.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable ...	Compound- able.	Imprisonment of either des- cription for 8 months, or fine of 500 rupees, or both.	Any Magis- trate.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 1 year, or fine of 1,000 rupees, or both.	Ditto.
Not bailable	Not com- poundable.	Transportation for life, or rig- orous imprison- ment for 10 years, and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 10 years and fine.	Ditto.

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY—*continued.**Of Criminal Trespass—continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	May arrest without warrant.	Warrant ...
	If the offence is theft ...	Ditto ...	Ditto ...
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ...
453	Lurking house-trespass or house-breaking.	Ditto ...	Ditto ...

SCHEDULE II.—continued.**CHAPTER XVII.—OFFENCES AGAINST****PROPE RTY.—continued.***Of Criminal Trespass—continued.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable ...	Not com- poundable	Imprisonment of either des- cription for 2 years and fine.	Any magistrate.
Not bailable	Ditto ...	Imprisonment of either des- cription for 7 years and fine.	Court of Ses- sion, Presidency Magistrate or Magistrate of the first or se- cond class,
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 2 years and fine.	Presidency Ma- gistrate or Magistrate of the first or second class.

SCHEDULE II.—*continued.*CHAPTER XVII.—OFFENCES AGAINST
PROPERTY.—*continued.**Of Criminal Trespass—continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	May arrest without warrant.	Warrant ...
	If the offence is theft.	Ditto ...	Ditto ...
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY—*continued.**Of Criminal Trespass—continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable	Not com- poundable.	Imprisonment of either des- cription for 3 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Magis- trate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 10 years and fine.	Ditto.
[Ditto ...	Ditto ...	Ditto ...	Court of Ses- sion, Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 3 years and fine.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first or second class.

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—*continued.*

Of Criminal Trespass—continued.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment. If the offence is theft.	May arrest without warrant. Ditto ...	Warrant Ditto ...
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Ditto ...	Ditto ...
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY—*continued.**Of Criminal Trespass—continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Not bailable	Not com- poundable.	Imprisonment of either des- cription for 5 years and fine.	Court of Ses- sion, Presidency Magistrate or Magistrate of the first or se- cond class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 14 years and fine.	Ditto.
Ditto ...	Ditto ...	Ditto ...	Court of Ses- sion, Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Transportation for life, or imprison- ment of either des- cription for 10 years, and fine.	Court of Ses- sion.

SCHEDULE II.—*continued.*

CHAPTER XVII.—OFFENCES AGAINST

PROPERTY—*continued.*

Of Criminal Trespass—continued.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	May arrest without warrant.	Warrant ...
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto ...	Ditto ...
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ...	Ditto ...

SCHEDULE II.—continued.**CHAPTER XVII.—OFFENCES AGAINST****PROPERTY—continued.***Of Criminal Trespass—continued.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Not bailable	Not com- poundable.	Transportation for life, or im- prisonment of either descrip- tion for 10 years, and fine.	Court of Ses- sion.
Bailable ...	Ditto ...	Imprisonment of either descrip- tion for 2 years, or fine, or both	Presidency Ma- gistrate or Ma- gistrate of the first or second class.
Not bailable	Ditto ...	Imprisonment of either descrip- tion for 3 years, or fine, or both.	Court of Ses- sion, Presiden- cy Magistrate or Magistrate of the first or second class.

SCHEDULE II.—*continued.*CHAPTER XVIII.—OFFENCES RELATING TO
DOCUMENTS AND TO TRADE OR PROPERTY-
MARKS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance
465	Forgery	Shall not arrest without warrant.	Warrant ...
466	Forgery of a record of a Court of Jus- tice or of a Register of births, &c., kept by a public servant.	Ditto ...	Ditto ...
467	Forgery of a valu- able security, will or authority to make or transfer any valu- able security, or to receive any money, &c. When the valuable security is a promis- sory note of the Go- vernment of India.	Ditto ... May arrest with- out warrant.	Ditto ... Ditto ...
468	Forgery for the pur- pose of cheating.	Shall not arrest without warrant.	Ditto ...

SCHEDULE H.—*continued*CHAPTER XVIII.—OFFENCES RELATING TO
DOCUMENTS AND TO TRADE OR PROPERTY-
MARKS.

5	6	7	8
Whether bailable or not.	Whether compound- able or no	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Court of Ses- sion.
Not bailable	Ditto ...	Imprisonment of either descrip- tion for 7 years and fine.	Ditto.
Ditto ...	Ditto ...	Transportation for life, or im- prisonment of either descrip- tion for 10 years, and fine.	Ditto.
Ditto ...	Ditto ...	Ditto ...	Ditto.
itto ...	Ditto ...	Imprisonment of either descrip- tion for 7 years and fine.	Ditto.

SCHEDULE II.—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY- MARKS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Shall not arrest without warrant.	warrant ...
471	Using as genuine a forged document which is known to be forged. When the forged document is a promissory note of the Government of India.	Ditto ... May arrest without warrant.	Ditto ... Ditto ...
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeited.	Shall not arrest without warrant.	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVIII.—OFFENCES RELATING TO
DOCUMENTS AND TO TRADE OR PROPERTY-
MARKS—*continued.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable.	Not com- poundable.	Imprisonment of either descrip- tion for 3 years, and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Punishment for forgery.	Ditto.
Not bailable.	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Transportation for life, or impri- sonment of either description for 7 years, and fine	Ditto.

SCHEDULE II.—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY- MARKS—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Warrant ...
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine; if the document is one of the description mentioned in section 466 of the Indian Penal Code.	Ditto ...	Ditto ...

SCHEDULE II.—continued.**CHAPTER XVIII.—OFFENCES RELATING TO
DOCUMENTS AND TO TRADE OR PROPERTY-
MARKS—continued.**

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Not bailable	Not com- poundable	Imprisonment of either des- cription for 7 years and fine.	Court of Ses- sion.
Ditto	Ditto	Ditto	Ditto.

SCHEDULE II.—continued.**CHAPTER XVIII.—OFFENCES RELATING TO
DOCUMENTS AND TO TRADE OR PROPERTY-
MARKS—continued.**

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
	If the document is one of the description mentioned in section 467 of the Indian Penal Code.	Shall not arrest without warrant	Warrant
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...
476	Counterfeiting a device or mark used for authenticating documents other than these described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto

SCHEDULE II.—continued.**CHAPTER XVIII.—OFFENCES RELATING TO
DOCUMENTS AND TO TRADE OR PROPERTY-
MARKS—continued.**

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Not bailable	Not com- poundable.	Transportation for life, or im- prisonment of either descrip- tion for 7 years, and fine.	Court of Ses- sion.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 7 years, and fine.	Ditto.

SCHEDULE II.—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY- MARKS—*continued.*

1 Section.	2 Offences.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Shall not arrest without warrant.	Warrant ...

Of Trade and Property-marks.

482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XVIII.—OFFENCES RELATING TO
DOCUMENTS AND TO TRADE OR PROPERTY.MARKS—*continued.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what trial court
Not bailable	Not com- poundable.	Transportation for life, or im- prisonment of either descrip- tion for 7 years, and fine.	Court of Ses- sion. Jury or Magistrate class.

Of Trade and Property-marks.

Bailable ...	Not com- poundable.	Imprisonment of either des- cription for 1 year, or fine, or both.	Presi- dential Magi- strate the 1st second class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 2 years, or fine, or both.	Ditto. Ma- gistrate class.

SCHEDULE II.—continued.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—continued.

Of Trade and Property-marks—continued.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether warrant summons ordinarily in the Court instance.
47	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Shall not arrest without warrant.	Summon
	fraudulently making or having possession of any stamp, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto ...	Ditto
482			
483	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto ...	Ditto

SCHEDULE II.—continued.**CHAPTER XVIII.—OFFENCES BELATING TO
DOCUMENTS AND TO TRADE OR PROPERTY.****MARKS—continued.*****Of Trade and Property-marks—continued.***

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable ...	Not com- poundable. .	Imprisonment of either des- cription for 3 years and fine.	Court of Ses- sion, Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 3 years, or fine, or both.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 1 year, or fine, or both.	Presidency Ma- gistrate or Ma- gistrate of the first or second class.

SCHEDULE II.—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO, -DOCUMENTS AND TO TRADE OR PROPERTY- MARKS—*concluded.*

Of Trade and Property marks—concluded.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
487	Fraudulently making a false mark upon any package or receptacle contain- ing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Shall not arrest without warrant	Summons
488	Making use of any such false mark.	Ditto	Ditto
489	Removing, destroy- ing or defacing any property-mark with intent to cause in- jury.	Ditto	Ditto

SCHEDULE II.—*continued.*CHAPTER XVIII.—OFFENCES RELATING TO
DOCUMENTS AND TO TRADE OR PROPERTY-MARK^s—*concluded.**Of Trade and Property-marks—concluded.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable. ...	Not com- poundable.	Imprisonment of either des- cription for 3 years, or fine, or both.	Court of Ses- sion, Presi- dency Magis- trate or Ma- gistrate of the first or second class.
Ditto ...	Ditto ...	Ditto ...	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 1 year, or fine, or both.	Presidency Ma- gistrate or Ma- gistrate of the first or second class.

SCHEDULE II.—*continued.*CHAPTER XIX.—CRIMINAL BREACH OF
CONTRACTS OF SERVICE.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
490.	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons. ...
491.	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XIX.—CRIMINAL BREACH OF
CONTRACTS OF SERVICE.

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable ...	Compound- able.	Imprisonment of either des- cription for 1 month, or fine of 100 rupees, or both.	Presidency Ma- gistrate or Ma- gistrate of the first or second class.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 3 months, or fine of 200 rupees, or both.	Ditto.

SCHEDULE II.—*continued.*

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE—*concluded.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and voluntarily deserting the service or refusing to perform the duty.	Shall not arrest without warrant.	Summons ...

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

498	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to co-habit with him in that belief.	Shall not arrest without warrant.	Warrant. ...
-----	--	-----------------------------------	--------------

SCHEDULE II.—continued.**CHAPTER XIX.—CRIMINAL BREACH OF
CONTRACTS OF SERVICE—concluded.**

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable ...	Compound- able ...	Imprisonment of either des- cription for 1 month, or fine of double the ex- pense incurred, or both.	Presidency Ma- gistrate or Ma- gistrate of the first or second class.

**CHAPTER XX.—OFFENCES RELATING TO
MARRIAGE.**

Not bailable.	Not com- poundable	Imprisonment of either des- cription for 10 years and fine.	Court of Ses- sion.

SCHEDULE II.—*continued.*CHAPTER XIX.—OFFENCES RELATING TO
MARRIAGE—*concluded.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
494	Marrying again during the lifetime of a husband or wife.	Shall not arrest without warrant.	Warrant ...
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto ...	Ditto ...
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ...	Ditto ...
497	Adultery ...	Ditto ...	Ditto ...
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XIX.—OFFENCES RELATING TO
MARRIAGE—*concluded.*

5	6	7	8
Whether bailable or not.	Whether compound- able or not.	Punishment under the Indian Penal Code.	By what Court triable.
Bailable ...	Not com- poundable.	Imprisonment of either descrip- tion for 7 years and fine.	Court of Ses- sion.
Not bailable	Ditto ...	Imprisonment of either des- cription for 10 years and fine.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either descrip- tion for 7 years and fine.	Ditto.
Bailable ...	Compound- able.	Imprisonment of either descrip- tion for 5 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 2 years, or fine, or both.	Presidency Ma- gistrate or Ma- gistrate of the first or second class.

SCHEDULE II.—*continued.*

CHAPTER XXI.—DEFAMATION.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
500	Defamation ...	Shall not arrest without warrant.	Warrant ...
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*

CHAPTER XXL.—DEFAMATION.

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By, what Court triable.
Bailable ...	Compound- able.	Simple imprison- ment for 2 years, or fine, or both	Court of Ses- sion, Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Simple imprison- ment for 2 years, or fine, or both.	Court of Ses- sion, Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Ditto ...	Ditto.

SCHEDULE II.—*continued.*CHAPTER XXII.—CRIMINAL INTIMIDATION,
INSULT AND ANNOYANCE.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
504	Insult intended to provoke a breach of the peace.	Shall not arrest without war- rant.	Warrant ...
505	False statement, rumour, &c., cir- culated with intent to cause mutiny or offence against the public peace.	Ditto ...	Ditto ...
506	Criminal intima- tion.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.***CHAPTER XXII.—CRIMINAL INTIMIDATION,
INSULT AND ANNOYANCE.**

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable ...	Compound- able.	Imprisonment of either des- cription for 2 years, or fine, or both.	Any Magis- trate.
Not bailable	Not com- poundable.	Ditto ...	Presidency Ma- gistrate or Ma- gistrate of the first or second class.
Bailable ...	Compound- able.	Ditto ...	Ditto.

SCHEDULE II.—*continued.*CHAPTER XXII.—CRIMINAL INTIMIDATION,
INSULT AND ANNOYANCE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
	If threat be to cause death or grievous hurt, &c.	Shall not arrest without warrant.	warrant ...
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ...	Ditto ...
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...

SCHEDULE II.—*continued.*CHAPTER XXII.—CRIMINAL INTIMIDATION,
INSULT AND ANNOYANCE—*continued.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable.	Not com- poundable.	Imprisonment of either descrip- tion for 7 years, or fine, or both.	Court of Ses- sion, Presidency Magistrate or Magistrate of the first class.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 2 years in addition to the punish- ment under above section.	Ditto.
Ditto ...	Ditto ...	Imprisonment of either des- cription for 1 year, or fine, or both.	Presidency Ma- gistrate or Magistrate of the first or second class.

SCHEDULE II.—*continued.*CHAPTER XXII.—CRIMINAL INTIMIDATION,
INSULT AND ANNOYANCE—*continued.*

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
509	Uttering any word or making any gesture intended to insult the modesty of a woman, &c.	Shall not arrest without warrant	Warrant ...
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...

CHAPTER XXIII.—ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.
-----	--	---	--

SCHEDULE II.—*continued.*CHAPTER XXII.—CRIMINAL INTIMIDATION,
INSULT AND ANNOYANCE—*continued.*

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Bailable. ...	Not com- poundable.	Simple imprison- ment for 1 year, or fine, or both.	Presidency Ma- gistrate or Ma- gistrate of the first class.
Ditto ...	Ditto ...	Simple imprison- ment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII.—ATTEMPTS TO COMMIT OFFENCES.

According as the offence contemplated by the offend- er is bailable or not.	Compound- able when the offence attempted is compound- able.	Transportation or imprisonment not exceeding half of the long- est term, and of any description, provided for the offence, or fine, or both.	The Court by which the of- fence attempt- ed is triable.
--	---	--	---

SCHEDULE II.—*concluded.*

OFFENCES AGAINST OTHER LAWS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.
	If punishable with death, transportation or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...
	If punishable with imprisonment for three years and upwards but less than seven.	Ditto ...	Ditto ...
	If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons ...
	If punishable with fine only.	Ditto ...	Ditto ...

SCHEDULE II.—*concluded.*

OFFENCES AGAINST OTHER LAWS.

5 Whether bailable or not.	6 Whether compound- able or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
Not bailable	Not com- poundable.	According to the provi- sions of sec- tion 29 of this Code.
Ditto ... Except in cases under the Indian Arms Act, 1878, section 19, which shall be bailable. Bailable ...	Ditto ... Ditto	
Ditto ...	Ditto	

SCHEDULE III.

ORDINARY POWERS OF PROVINCIAL MAGISTRATES.

I. — Ordinary Powers of a Magistrate of the Third Class.

- (1) Power to arrest, or direct the arrest in his presence of, an offender ; section 65,
- (2) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant ; sections 83, 84 and 86.
- (3) Power to issue proclamations in cases judicially before him, section 87.
- (4) Power to attach and sell property in cases judicially before him, section 88.
- (5) Power to restore attached property, section 89.
- (6) Power to issue search-warrant, section 96.
- (7) Power to endorse a search-warrant and order delivery of thing found, section 99.
- (8) Power to record statements or confessions during a police investigation, section 164.
- (9) Power to authorize detention of a person during a police investigation, section 167.
- (10) Power to detain an offender found in Court, section 351.
- (11) Power to sell perishable property of a suspected character, section 525.

II. — Ordinary Powers of a Magistrate of the Second Class.

- (1) The ordinary powers of a Magistrate of the third Class.
- (2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 155.

III. — Ordinary Powers of a Magistrate of the First Class.

- (1) The ordinary powers of a Magistrate of the second class.

SCHEDULE III.—*Continued.*

- (2) Power to issue search-warrant otherwise than in course of an inquiry, section 98.
- (3) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.
- (4) Power to require security to keep the peace, section 107.
- (5) Power to require security for good behaviour, section 109.
- (6) Power to make orders, &c., in possession cases; sections 145, 146 and 147.
- (7) Power to commit for trial, section 206.
- (8) Power to stop proceedings when no complainant, section 249.
- (9) Power to make orders of maintenance, sections 488 and 489.

IV.—Ordinary Powers of a Sub-divisional Magistrate.

- (1) The ordinary powers of a Magistrate of the first class
- (2) Power to direct warrants to landholders, section 78.
- *(2A) Power to require security for good behaviour, section 110.
- (3) Power to make orders as to local nuisances, section 133.
- (4) Power to make orders prohibiting repetitions of nuisances, section 143
- (5) Power to make orders under section 144.
- (6) Power to hold inquests, section 174.
- (7) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
- (8) Power to entertain complaints, section 191.
- (9) Power to receive police-reports, section 191.
- (10) Power to entertain cases without complaint, section 191.

* See Sec. 19 Act No. X of 1886.

SCHEDULE III—*concluded*.

- (11) Power to transfer cases to a Subordinate Magistrate, section 192.
- (12) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.
- (13) Power to sell property alleged or suspected to have been stolen, &c.; section 524.
- (14) Power to withhold cases other than appeals, and to try or refer them for trial ; section 528.

V.—Ordinary Powers of a District Magistrate.

- (1) The ordinary powers of a Sub-divisional Magistrate, being a Magistrate of the first class.
 - (2) Power to issue search-warrants for documents in custody of Postal or Telegraph authorities, section 96.
 - (3) Power to discharge persons bound to keep the peace or to be of good behaviour, section 124.
 - (4) Power to cancel bond for keeping the peace, section 125.
 - (5) Power to try summarily, section 260.
 - (6) Power to quash convictions in certain cases, section 350.
 - (7) Power to hear appeals from orders requiring security for good behaviour, section 406.
 - (8) Power to hear or refer appeals from convictions by Magistrates of the second and third classes, section 407.
 - (9) Power to call for records, section 485.
 - (10) Power to revise orders passed under section 514; section 515.
-

SCHEDULE IV.

ADDITIONAL POWERS WITH WHICH PROVINCIAL
MAGISTRATES MAY BE INVESTED.BY THE LOCAL
GOVERNMENT.

POWERS WITH
WHICH A MA-
GISTRATE OF
THE FIRST
CLASS MAY BE
INVESTED.

(1) Power to require security for good behaviour, section 110:

(2) Power to make orders as to local nuisances, section 133:

(3) Power to make orders prohibiting repetitions of nuisances, section 143:

(4) Power to make orders under section 144:

(5) Power to hold inquests, section 174:

(6) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186:

(7) Power to take cognizance of offences upon complaint, section 191:

(8) Power to take cognizance of offences upon police report, section 191:

(9) Power to take cognizance of offences upon information, section 191.

(10) Power to try summarily, section 260:

(11) Power to hear appeals from convictions by Magistrates of the second and third classes, section 407:

(12) Power to sell property alleged or suspected to have been stolen, section 524. ^{to} police
91.

SCHEDULE IV.—*continued.*

BY THE DIS-
TRICT MA-
GISTRATE.

(1) Power to make orders prohibiting repetitions of nuisances, section 143 :

(2) Power to make orders under section 144 :

(3) Power to hold inquests, section 174 :

(4) Power to take cognizance of offences upon complaint, section 191 :

(5) Power to take cognizance of offences upon police reports, section 191 :

(6) Power to transfer cases, section 192 :

BY THE LOCAL
GOVERNMENT.

(1) Power to pass sentences of whipping, section 32 :

(2) Power to make orders prohibiting repetitions of nuisances, section 143 :

(3) Power to make orders under section 144 :

(4) Power to hold inquests, section 174 :

(5) Power to take cognizance of offences upon complaint, section 191.

(6) Power to take cognizance of offences upon police reports, section 191 :

(7) Power to take cognizance of offences upon information, section 191 :

(8) Power to commit for trial, section 206 :

POWERS WITH
WHICH A MA-
GISTRATE OF
SECOND
CLASS MAY BE

SCHEDULE III.—*continued.*

By THE DISTRICT MAGISTRATE.

(1) Power to make orders prohibiting repetitions of nuisances, section 142 :

(2) Power to make orders under section 144 :

(3) Power to hold inquests, section 174 :

(4) Power to take cognizance of offences upon complaint, section 191 :

(5) Power to take cognizance of offences upon police reports, section 191.

(1) Power to make orders prohibiting repetitions of nuisances, section 143 :

(2) Power to make orders under section 144 :

(3) Power to hold inquests, section 174 :

(4) Power to take cognizance of offences upon complaint, section 191 :

(5) Power to take cognizance of offences upon police reports, section 191 :

(6) Power to commit for trial, section 206.

(1) Power to make orders prohibiting repetitions of nuisances, section 143 :

(2) Power to make orders under section 144 :

(3) Power to hold inquests, section 174 :

(4) Power to take cognizance of offences upon complaint, section 191 :

(5) Power to take cognizance of offences upon police reports, section 191.

By THE LOCAL GOVERNMENT.

POWERS WITH WHICH A MAGISTRATE OF THE THIRD CLASS MAY BE INVESTED.

By THE DISTRICT MAGISTRATE.

SCHEDULE IV.—*concluded.*

POWERS WITH WHICH A SUB-DIVISIONAL MAGISTRATE MAY BE INVESTED.	BY THE LOCAL GOVERNMENT.	Power to call for records, section 435.
--	--------------------------	---

SCHEDULE V.

FORMS.

I.—Summons to an Accused Person.

(See section 68.)

To _____ of _____
 WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (*or by pleader, as the case may be*) before the (*Magistrate*) of _____, on the _____ day of _____. Herein fail not.
 Dated this _____ day _____, 18 _____.
 (Seal.) _____ (Signature.)

II.—Warrant of arrest.

(See section 75.)

To (*name and designation of the person or persons who is or are to execute the warrant*).
 WHEREAS _____ of _____ stands charged with the offence of (*state the offence*), you are hereby directed to arrest the said _____, and to produce him before me. Herein fail not.
 Dated this _____ day of _____, 18 _____.
 (Seal.) _____ (Signature.)

SCHEDULE V.—continued.

(See section 76.)

This warrant may be endorsed as follows :—

If the said _____ shall give bail himself in the sum of _____, with one surety in the sum of _____ (or two sureties each in the sum of _____), to attend before me on the _____ day of _____ and to continue so to attend until otherwise directed by me, he may be released.

Dated this _____ day of _____, 18 ____
(Signature)

III.—Bond and Bail-bond after Arrest under a Warrant.

(See section 86.)

I, (name), of _____, being brought before the District Magistrate of _____ (or as the case may be) under a warrant issued to compel my appearance to answer to the charge of _____, do hereby bind myself to attend in the Court of _____ on the _____ day of _____ next to answer to the said charge, and to continue so to attend until otherwise directed by the Court; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees _____.

Dated this _____ day of _____, 18 ____.

I do hereby declare myself surety for the abovenamed
of , that he shall attend before
in the Court of on the day of
next to answer to the charge on which he has been arrested,
and shall continue so to attend until otherwise directed by
the Court; and, in case of his making default therein, I
hereby bind myself to forfeit to her Majesty the Queen, Em-
press of India, the sum of rupees .

Dated this _____ day of _____, 18 ____.

SCHEDULE V.—*continued.*

IV.—Proclamation requiring the Appearance of a person Accused.

(See section 87.)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or is suspected*) to have committed) the offence of _____, punishable under section _____ of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found ; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*) ;

Proclamation is hereby made that the said _____ of _____ is required to appear at (*place*) before this Court (*or before me*) to answer the said complaint within _____ days from this date.

Dated this _____ day of _____, 18 . . .

(*Seal.*)(*Signature.*)

V.—Proclamation requiring the Attendance of a Witness.

(See Section 87.)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or is suspected to have committed*) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name, description and address of the witness*) before this Court to be examined touching the matter of the said complaint ; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or is concealing himself to avoid the service of the said warrant*) ;

Proclamation is hereby made that the said (*name*) is required to appear at (*place*) before the Court of _____ on the _____

SCHEDULE V.—*continued.*

have committed) the offence of _____ punishable under section _____ of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (or is concealing himself to avoid the service of the said warrant,) and thereupon a Proclamation was duly issued and published requiring the said _____ to appear to answer the said charge within _____ days; and whereas the said _____ is possessed of the following property other than land paying revenue to Government in the village (or town) of _____, in the District of _____, viz., _____, and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this _____ day of _____, 18 ____.

(*Seal.*)

(*Signature.*)

Order authorizing an Attachment by the Deputy Commissioner as Collector.

(*See section 88.*)

To the Deputy Commissioner of the District of _____.

WHEREAS complaint has been made before me that (*name, description and address*) has committed (or is suspected to have committed) the offence of _____ punishable under section _____ of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (or is concealing himself to avoid the service of the said warrant,) and thereupon a Proclamation was duly issued and published requiring the said _____ to appear to answer the said charge within _____ days, but he has not appeared; and whereas the said _____ is possessed of certain land paying revenue to Government in the village (or town,) of _____ in the District of _____,

You are hereby authorized and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this day of , 18 .
(Seal.) (Signature.)

(See section 90.)

To (name and designation of the Police-officer or other person or persons who is or are to execute the warrant.)

WHEREAS complaint has been made before me that
of _____ has (or is suspected to have) committed the
offence of (*mention the offence concisely,*) and it appears likely
that (*name and description of witness*) can give evidence con-
cerning the said complaint; and whereas I have good and
sufficient reason to be iieve that he will not attend as a witness
on the hearing of the said complaint unless compelled to do so;

This is to authorize and require you to arrest the said (name) and on the _____ day of _____ to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this
day of _____, 18 ____.

(Seal.) (Signature.)

(See section 96.)

To (name and designation of the Police-officer or other person or persons who is or are to execute the warrant.)

WHEREAS information has been laid (or complaint has been made) before me of the commission (or suspected commission)

SCHEDULE V.—*continued.*

forged documents, or counterfeit stamps, or false seals, or counterfeit coin, (as the case may be) and forthwith to bring before this Court such of the said things as may be taken possession of; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal.)

(Signature.)

X—Bond to keep the Peace.

(See section 106.)

WHEREAS I, (name), inhabitant of (place), have been called upon to enter into a bond to keep the peace for the term of . I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace during the said term; and, in case of my making default herein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(Signature.)

XI.—Bond for Good Behaviour.

(See sections 109 and 110.)

WHEREAS I, (name), inhabitant of (place), have been called upon to enter into a bond to be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects for the term of (state the period), I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term; and, in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(Signature.)

SCHEDULE V.—*continued.*

(Where a bond with sureties is to be executed, add)—We do hereby declare ourselves sureties for the abovenamed that he will be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(Signature.)

XII.—Summons on Information of a probable Breach of the Peace.

(See section 114.)

To

of

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*), and that you are likely to commit a breach of the peace (*or by which act a breach of the peace will probably be occasioned*), you are hereby required to attend in person (*or by a duly authorized agent*) at the Office of the Magistrate of on the day of

, 18 , at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [*when sureties are required, add, and also to give security by the bond of one (or two, as the case may be) surety (or sureties) in the sum of rupees (each if more than one)*], that you will keep the peace for the term of

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.)

(Signature.)

SCHEDULE V.—*continued.***XIII.—Warrant of Commitment on Failure to find security to keep the Peace.***(See section 123.)*

To the Superintendent (or Keeper) of the Jail at

WHEREAS (name and address) appeared before me in person (or by his authorized agent) on the day of in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees with one surety (or a bond with two sureties each in rupees), that he the said (name) would keep the peace for the period of months; and whereas an order was then made requiring the said (name) to enter into and find such security (state the security ordered when it differs from that mentioned in the summons), and he has failed to comply with the said order;

This is to authorize and require you the said Superintendent (or Keeper) to receive the said (name) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (term of imprisonment) unless he shall in the meantime comply with the said order by himself and his surety (or sureties) entering into the said bond, in which case the same shall be received, and the said (name) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this
day of, 18

*(Seal.)**(Signature.)***XIV.—Warrant of Commitment on Failure to find Security for Good Behaviour.***(See section 123.)*

To the Superintendent (or Keeper) of the Jail at

WHEREAS it has been made to appear to me that (name and description) has been and is lurking within the district

SCHEDULE V.—*continued.*

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of _____, and has since duly given security under section _____ of the Code of Criminal Procedure,

or

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community ;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this day of _____, 18 .

(*Seal*)

(*Signature.*)

XVI.—Order for the Removal of Nuisances.

(*See section 133.*)

To (*name, description and address.*)

WHEREAS it has been made to appear to me that you have caused an obstruction (or nuisance) to persons using the public roadway (or other public place), which, &c. (*describe the road or public place*), by, &c. (*state what it is that causes the obstruction or nuisance*), and that such obstruction (or) nuisance) still exists ;

or

WHEREAS it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (*state the particular trade or occupation and the place where it is carried on*), and that the same is injurious to the public health (or comfort) by reason (*state briefly in what manner the injurious effects are caused*), and should be suppressed or removed to a different place ;

SCHEDULE V.—*continued.**or*

WHEREAS it has been made to appear to me that you are the owner of (*or are in possession of or have the control over*) a certain tank (*or well, or excavation*) adjacent to the public way (*describe the thoroughfare*), and that the safety of the public is endangered by reason of the said tank (*or well, or excavation*) being without a fence (*or insecurely fenced*) ;

or

WHEREAS, &c., &c. (*as the case may be*) :

I do hereby direct and require you within (*state the time allowed*) to (*state what is required to be done to abate the nuisance*) or to appear at _____ in the _____ Court of _____ on the _____ day _____ next, and to show cause why this order should not be enforced ;

or

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on, or to appear, &c. ;

or

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced*), or to appear, &c.

or

I do hereby direct and require you, &c., &c., (*as the case may be*).

Given under my hand and the seal of the Court, this
day of _____, 18 .

*(Seal.)**(Signature.)***XVII.—Magistrate's Order constituting a Jury.***(See section 138.)*

WHEREAS on the _____ day of _____, 18 ,
an order was issued to (*name*) requiring him (*state the effect of the order*), and whereas the said (*name*) has applied to me by a petition bearing date the _____ day of _____ for an order

SCHEDULE V.—continued.

appointing a Jury to try whether the said recited order is reasonable and proper; I do hereby appoint (*the names, &c., of the five or more Jurors*) to the Jury to try and decide the said questions, and do require the said Jury to report the decision within _____ days from the date of this order at my office at _____.

Given under my hand and the seal of the Court, this
day of _____, 18 _____.

(Seal.)

(Signature.)

**XVIII.—Magistrate's Notice and Peremptory
Order after the Finding by a Jury.**

(See section 140.)

To (*name, description and address*).

I HEREBY give you notice that the Jury duly appointed on the petition presented by you on the _____ day of _____ have found that the order issued on the _____ day of _____ requiring you (*state substantially the requisition in the order*) is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (*state the time allowed*) on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this
day of _____, 18 _____.

(Seal.)

(Signature.)

**XIX.—Injunction to Provide against
Danger pending Inquiry by Jury.**

(See section 142.)

To (*name, description and address*).

WHEREAS the inquiry by a Jury appointed to try whether my order issued on the _____ day of _____, 18 _____, is reasonable and proper is still pending, and it has been made

SCHEDULE V.—*continued.*

to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, direct and enjoin you forthwith to (*state plainly what is required to be done as a temporary safe-guard*), pending the result of the local inquiry by the Jury.

Given under my hand and the seal of the Court, this
day of 18 .

(*Seal.*)

(*Signature.*)

XX.—Magistrate's Order prohibiting the Repetition, &c., of a Nuisance.

(*See section 143.*)

To name, description and address.

WHEREAS it has been made to appear to me that, &c. (*state the proper recital, guided by Form No. XVI or Form No. XXI, as the case may be*);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, &c. (*as the case may be*).

Given under my hand and the seal of the Court, this
day of , 18 .

(*Seal.*)

(*Signature.*)

XXI.—Magistrate's Order to Prevent Obstruction, Riot, &c.

(*See section 144.*)

To (name, description and address).

WHEREAS it has been made to appear to me that you are in possession (or have the management) of (*describe clearly the property,*) and that, in digging a drain on the said land,

SCHEDULE V.—*continued.*

you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road ;

or

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*), are about to meet and proceed in a religious procession along the public street, &c. (*as the case may be*), and that such procession is likely to lead to a riot or an affray ;

or

WHEREAS, &c. , &c. (*as the case may be*) ;

I do hereby order you not to place or permit to be placed any of the earth or stones dug from your land in any part of the said road ;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (*or, as the case recited may require*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

**XXII.—Magistrate's Order Declaring
Party entitled to retain Possession of
Land, &c., in Dispute.**

(*See section 145.*)

It appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (*describe the parties by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and being satisfied by due inquiry had there-

SCHEDULE V.—*continued.*

upon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (*name or names or description*) is true.

I do decide and declare that he is (*or they are*) in possession of the said (*the subject of dispute and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (or their) possession in the mean-time.*

Given under my hand and the seal of the Court, this
day of 18 .

(*Seal.*)

(*Signature.*)

XXIII.—Warrant of Attachment in the Case of a Dispute as to the Possession of Land, &c.

(*See section 146.*)

To the Police-officer in charge of the Police-station at
[*or, To the Collector of*].

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and whereas, upon due inquiry into the said claims I have decided that neither of the said parties was in possession of the said (*the subject of dispute*), [*or I am unable to satisfy myself as to which of the said parties was in possession as aforesaid*] ;

This is to authorize and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the the parties, or the claim to possession, shall have been

SCHEDULE V.—*continued.*

obtained; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal.)

(Signature)

XXIV.—Magistrate's Order Prohibiting the doing of any Thing on Land or Water.

(See section 147.)

A dispute having arisen concerning the right of use of (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, the possession, of which (land or water) is claimed exclusively by (*describe the person or persons*), and it appearing to me, on due inquiry into the same, that the said land (or water) has been open to the enjoyment of such use by the public (*or if by an individual or a class of persons, describe him or them*), and if the use can be enjoyed throughout the year that the said use has been enjoyed within three months of the institution of the said inquiry (*or if the use is enjoyable only at particular seasons say "during the last of the seasons at which the same is capable of being enjoyed"*);

I do order that the said (*the claimant or claimants of possession*), or any one in their interest, shall not take (*or retain*) possession of the said land (*or water*) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or they*) shall obtain the decree or order of a competent Court adjudging him (*or them*) to be entitled to exclusive possession.

(Given under my hand and the seal of the Court, this
day of , 18 .

Seal)

(Signature.)

SCHEDULE V.—*continued.*

XXV.—Bond and Bail-bond on a Preliminary Inquiry before a Police-officer.

(*See section 169.*)

I, (name), of , being charged with the offence of , and after inquiry required to appear before the Magistrate of

or

and after inquiry called upon to enter into my own recognizance to appear when required, do hereby bind myself to appear at , in the Court of , on the day of next (or on such day as I may hereafter be required to attend) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (or we jointly and severally declare ourselves and each of us) surety (or sureties) for the above-said

that he shall attend at , in the Court of , on the day of next (or on such day as he may hereafter be required to attend), further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself (or we hereby bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of , 18 .

(*Signature.*)

XXVI.—Bond to prosecute or give Evidence.

(*See section 170*)

I. (name), of (place), do hereby bind myself to attend at , in the Court of , at o'clock on the day of next, and then and there to prosecute (or to prosecute and give evidence, or to give evidence) in the matter of a charge of against one A. B., and, in case of making default

SCHEDULE V.—*continued.*

herein, I bind myself to forfeit to Her Majesty the Queen-
Empress of India, the sum of rupees

Dated this day of , 18 .

(*Signature.*)

XXVII.—Notice of Commitment by Magistrate to Government Pleader.

(*See section 218.*)

THE Magistrate of hereby gives notice that he has
committed one for trial at the next Sessions; and
the Magistrate hereby instructs the Government Pleader to
conduct the prosecution of the said case.

The charge against the accused is that, &c. (*state the offence
as in the charge*).

Dated this day of , 18 .

(*Signature*)

XXVIII.—Charges.

(*See sections 221, 222, 223.*)

(I).—Charges with one Head.

(a) I, [*name and office of Magistrate, &c.*], hereby charge you
[*name of accused person*] as follows:—

(b) That you, on or about the day of ,
at , waged war against Her Majesty

On Penal Code, the Queen, Empress of India, and thereby
section 121. committed an offence punishable under section
121 of the Indian Penal Code, and within the cognizance of
the Court of Session [*when the charge is framed by a Presidency
Magistrate, for Court of Session substitute High Court*].

(c) And I hereby direct that you be tried by the said Court
on the said charge.

[*Signature and seal of the Magistrate*]

SCHEDULE V.—*continued.*

[To be substituted for (b) :—]

(2) That you, on or about the _____ day of _____, at _____, with the intention of inducing On section 124. the Hon'ble A. B., Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(3) That you, being a public servant in the _____ Department, directly accepted from [state the On section 161. name], for another party [state the name], a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(4) That you, on or about the _____ day of _____, at _____, did [or omitted to do, as the On section 166, case may be] _____, such conduct being contrary to the provisions of Act _____, section _____ and known by you to be prejudicial to _____, and thereby committed an offence punishable under section 166 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(5) That you, on or about the _____ day of _____, at _____, in the course of the trial of On section 193. _____, before _____, stated in evidence that “ _____”, which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(6) That you, on or about the _____ day of _____, at _____, committed culpable homicide On section 304. _____, not amounting to murder, causing the death of _____, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

SCHEDULE V.—*continued.*

(7) That you, on or about the _____ day of _____, at _____, abetted the commission of On section 306. _____, suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(8) That you, on or about the _____ day of _____, at _____, voluntarily caused grievous On section 325. _____, hurt to _____, and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(9) That you, on or about the _____ day of _____, at _____, robbed [*state the name*] and On section 392. _____, thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(10) That you, on or about the _____ day of _____, at _____, committed dacoity, an offence On section 395. _____, punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

[*In cases tried by Magistrates, substitute "within my cognizance" for "within the cognizance of the Court of Session," and in (c) omit "by the said Court."*]

(II.)—Charges with two or more Heads.

(a) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows:—

(b) *First.*—That you, on or about the _____ day of _____, at _____, knowing a coin to be On section 241. _____, counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Secondly.—That you, on or about the _____ day of _____, at _____, knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as

genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(c) And I hereby direct that you be tried by the said Court on the said charge.

[Signature and seal of the Magistrate.]

[To be substituted for (b) :—]

(2) *First*.—That you, on or about the _____ day of _____, at _____, committed murder by _____ On section 302 causing the death of _____, and thereby and 304. committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Secondly.—That you, on or abo ut the day of
 . at , by causi ng the death of
committed culpable homicide not amounting to murder, and
thereby committed an offence punishable under section 304
of the Indian Penal Code, and within the cognizance of the
Court of Session [or High Court].

(3) *First*.—That you, on or about the _____ day of _____, at _____, committed theft, and on sections 379 thereby committed an offence punishable and 382. _____ under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Secondly.—That you, on or about the _____ day of _____, at _____, committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Thirdly.—That you, on or about the _____ day of _____, at _____, committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

SCHEDULE V.—*continued.*

Fourthly.—That you, on or about the day of , at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(4) That you, on or about the day of , at , in the course of the inquiry Alternative into before , stated in evidence charges on section 193. dence that “ ”, and that you, on or about the day of , at , in the course of the trial of , before , stated in evidence that “ ”, one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

[In cases tried by Magistrates, substitute “within my cognizance” for “within the cognizance of the Court of Session,” and in (c) omit “by the said Court ”.]

(III).—Charge for theft after a previous Conviction.

I, (name and office of Magistrate &c), hereby charge you (name of accused person) as follows :—

That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code and within the cognizance of the Court of Session [or { High Court } as the case may be].
{ Magistrate }

and you the said (name of accused) stand further charged that you, before the committing of the said offence, that is to say, on the day of , had been convicted by the (state Court by which conviction was had) at of an offence punishable under Chapter XVII of the Indian Penal Code with imprisonment for a term of three years,

SCHEDULE V.—*continued.*

that is to say, the offence of house-breaking by night (*describe the offence in the words used in the section under which the offence was convicted*), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Indian Penal Code.

And I hereby direct that you be tried, &c.

XXIX.—Warrant or Commitment on a Sentence of Imprisonment or Fine if passed by a Magistrate.

(See sections 245 and 258.)

To the Superintendent (or Keeper) of the Jail at .

WHEREAS on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (or sections) of the Indian Penal Code (or of Act ,) and was sentenced to (*state the punishment fully and distinctly*) ;

This is to authorize and require you, the said Superintendent (or Keeper), to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this
day of 18 .

(Seal.)

(Signature)

XXX.—Warrant of Imprisonment on Failure to recover Amends by Distress.

(See section 250.)

To the Superintendent (or Keeper) of the Jail at

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that

SCHEDULE V.—continued.

mention it concisely), and the same has been dismissed as frivolous (or vexatious), and the order of dismissal awards payment by the said (name of complainant) of the sum of rupees

as amends ; and whereas the said sum has not been paid and cannot be recovered by distress of the moveable property of the said (name of complainant) and an order has been made for his simple imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid ;

This is to authorize and require you, the said Superintendent (or Keeper), to receive the said (name) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (term of imprisonment), subject to the provisions of section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this
day of _____, 18 ____.

(Seal)

(Signature.)

XXXI.—Summons to a Witness.

(See sections 68 and 252.)

To **of**

WHEREAS complaint has been made before me that
of _____ has (or is suspected to have) committed the
offence of (*state the offence concisely, with time and place*) and
it appears to me that you are likely to give material evidence
for the prosecution ;

You are hereby summoned to appear before this Court on the _____ day _____ next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that if you shall without just excuse neglect or refuse to appear on

SCHEDULE V.—*continued.*

the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this
day of _____, 18 .

(Seal.)

(Signature.)

XXXII.—Precept to District Magistrate to summon Jurors and Assessors.

See section 326.

To the District Magistrate of

WHEREAS a Criminal Session is appointed to be held in the Court-house at _____ on the _____ day of _____ next, and the names of the persons herein stated have been duly drawn by lot from among those named in the revised list of jurors and assessors furnished to this Court; you are hereby required to summon the said persons to attend at the said Court of Session at 10 A. M. on the said date, and, within such date, to certify that you have done so in pursuance of this precept.

(Here enter the names of Jurors and Assessors.)

Given under my hand and the seal of the Court, this
day of _____, 18 ,

(Seal)

(Signature.)

XXXIII.—Summons to Assessor or Juror.

(See section 328)

To (name) of (place).

PURSUANT to a precept directed to me by the Court of Session of _____ requiring your attendance as an Assessor (or a Juror) at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at (place) at ten o'clock in the forenoon on the _____ day of _____ next.

Given under my hand and seal of office, this
day of _____, 18 .

(Seal.)

(Signature)

SCHEDULE V.—*continued.***XXXIV.—Warrant of Commitment under Sentence of Death.**

(See section 374.)

To the Superintendent (or Keeper) of the Jail at

WHEREAS at the Session held before me on the
day of , 18 , (name of prisoner), the (1st, 2nd,
3rd, as the case may be) prisoner in case No.

of the Calendar at the said Session, was duly convicted of the
offence of culpable homicide amounting to murder under sec-
tion of the Indian Penal Code and sentenced
to suffer death, subject to the confirmation of the said sentence
by the Court of ;

This is to authorize and require you, the said Superintendent
(or Keeper), to receive the said (prisoner's name) into your
custody in the said jail, together with this warrant, and him
there safely to keep until you shall receive the further warrant
or order of this Court, carrying into effect the order of the
said Court.

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal)

(Signature.)

XXXV.—Warrant of Execution on a Sentence of Death.

(See section 381.)

To the Superintendent (or Keeper) of the Jail at

WHEREAS (name of prisoner), the (1st, 2nd, 3rd, as the case
may be) prisoner in case No. of the Calendar at the Session

SCHEDULE V.—*continued.*

held before me on the day of , 18 .
 has been by a warrant of this Court, dated the
 day of , committed to your custody under sentence
 of death, and whereas the order of the Court of
 confirming the said sentence has been received
 by this Court ;

This is to authorize and require you, the said Superintendent
 (or Keeper), to carry the said sentence into execution by
 causing the said to be hanged by the neck until
 he be dead, at (time and place of execution), and to return
 this warrant to the Court with an endorsement certifying that
 the sentence has been executed.

Given under my hand and the seal of the Court, this
 day of 18 .

(Seal.)

(Signature.)

XXXVI.—Warrant after a Commutation of a . Sentence.

(See sections 381 and 382)

To the Superintendent (or Keeper) of the Jail at .

WHEREAS at a Session held on the day of
 , 18 (name of prisoner), the (1st, 2nd, 3rd
 as the case may be) prisoner in case No. of the
 Calendar at the said Session, was convicted of the offence of
 , punishable under section of the
 Indian Penal Code, and sentenced to , and was
 thereupon committed to your custody; and whereas by the
 order of the Court of (a duplicate of
 which is hereunto annexed) the punishment adjudged by the
 said sentence has been commuted to the punishment of
 transportation for life (or, as the case may be);

This is to authorize and require you the said Superintendent
 (or Keeper), safely to keep the said (prisoner's name) in your
 custody in the said jail, as by law is required, until he shall

SCHEDULE V.—*continued.*

be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order,

or

if the mitigated sentence is one of imprisonment say, after the words "custody in the said jail," "and there to carry into execution the punishment of imprisonment under the said order according to law."

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal)

(Signature.)

XXXVII.—Warrant to levy a Fine by Distress and Sale.

(See section 386.)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS (*name and description of the offender*) was on the
day of , 18 , convicted before me
of the offence of (*mention the offence concisely*), and sentenced
to pay a fine of rupees , and whereas the said
(*name*), although required to pay the said fine, has not paid
the same or any part thereof ;

This is to authorize and require you to make distress by
seizure of any moveable property belonging to the said (*name*)
which may be found within the District of ; and, if
within (*state the number of days or hours allowed*) next after
such distress the said sum shall not be paid (*or forthwith*),
to sell the moveable property distrained, or so much thereof

SCHEDULE V.—*continued.*

as shall be sufficient to satisfy the said fine ; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this
day of _____, 18 .

(Seal.)

(Signature.)

XXXVIII.—Warrant of Commitment in certain Cases of Contempt when a Fine is imposed.

(See section 480.)

To the Superintendent (or Keeper) of the Jail a "

WHEREAS at a Court holden before me on this day (*name and description of the offender*) in the presence (or view) of the Court committed wilful contempt ;

And whereas for such contempt the said (*name of offender*) has been adjudged by the Court to pay a fine of rupees _____ or in default to suffer simple imprisonment for the space of (*state the number of months or days*) ;

This is to authorize and require you, the Superintendent (or Keeper) of the said Jail, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), unless the said fine be sooner paid ; and, on the receipt thereof forthwith to set him at liberty ; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this
day of _____, 18 .

(Seal.)

(Signature.)

SCHEDULE V.—*continued.***XXXIX.—Magistrate's or Judge's Warrant of
Commitment of Witness refusing to
answer.***(See section 485.)*To (*name and designation of officer of court*).

WHEREAS (*name and description*) being summoned (*or brought before this Court*) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (*or certain questions*) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*) ;

This is to authorize and require you to take the said (*name*) into custody, and him safely keep in your custody for the space of _____ days unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law ; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this
day of _____ 18 .

*(Seal.)**(Signature.)***XL.—Warrant of Imprisonment on Failure
to pay Maintenance.***(See section 488.)*To the Superintendent (*or Keeper*) of the Jail at _____ .

WHEREAS (*name, description and address*) has been proved before me to be possessed of sufficient means to maintain his

SCHEDULE V.—*continued.*

wife (*name*) [*or* his child (*name*), who is by reason of (*state the reason*) unable to maintain herself (*or* himself)] and to have neglected (*or* refused) to do so, and an order has been duly made requiring the said (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees ; and whereas it has been further proved that the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of ; and thereupon an order was made adjudging him to undergo simple (*or* rigorous) imprisonment in the said jail for the period of ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the the said (*name*) into your custody in the said jail, together with this warrant, and there carry the said order into execution according to law ; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand the seal of the Court, this
day of , day of , 18 .

(*Seal*)

(*Signature.*)

XLI.—Warrant to enforce the Payment of Maintenance by Distress and Sale.

(*See section 488.*)

To (*name and designation of the Police-officer or other person to execute the warrant*).

WHEREAS an order has been duly made requiring (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees of rupees , and whereas the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of ;

SCHEDULE V.—*continued.*

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (name) which may be found within the district of , and if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or forthwith*), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said sum ; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal.)

(Signature)

XLII.—Bond and Bail-bond on a preliminary

Inquiry before a Magistrate.

See sections 496 and 499.

I, (name), of (place), being brought before the Magistrate of (as the case may be) charged with the offence of and, required to give security for my attendance in his Court and at the Court of Session, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary inquiry into the said charge, and should the case be sent for trial by the Court of Session, to be, and appear, before the said Court when called upon to answer the charge against me ; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen Empress of India, the sum of rupees .

Dated this day of , 18 .

(Seal.)

(Signature.)

SCHEDULE V.—*continued.*

I hereby declare myself (or We jointly and severally declare ourselves and each of us) surety (or sureties) for the said (name) that he shall attend at the Court of on every day of the preliminary inquiry into the offence charged against him, and, should the case be sent for trial by the Court of Session, that he shall be, and appear, before the said Court to answer the charge against him, and in case of his making default therein, I bind myself (or we bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(Signature.)

XLIII.—Warrant to discharge a Person imprisoned on Failure to give Security.

See section 500.

To the Superintendent (or Keeper) of the Jail at
(or other officer in whose custody the person is).

WHEREAS (name and description of prisoner) was committed to your custody under warrant of this Court, dated the day of , and has since with his surety (or sureties) duly executed a bond under section 499 of the Code of Criminal Procedure ;

This is to authorize and require you forthwith to discharge the said (name) from your custody, unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal)

(Signature.)

SCHEDULE V.—*continued.***XLIV.—Warrant of Attachment to
enforce a Bond.***(See section 514.)*

To the Police-officer in charge of the Police station at .

WHEREAS (*name, description and address of person*) has failed to appear on (*mention the occasion*) pursuant to his recognizance, and has by such default forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*); and whereas the said (*name of person*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him.

This is to authorize and require you to attach any moveable property of the said (*name*) that you may find within the District of , by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached or so much of it as may be sufficient to realize the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this
day of , 18 .

*(Seal.)**(Signature.)***XLV.—Notice to Surety on Breach
of a Bond.***(See section 514.)*

To of .

WHEREAS on the day of , 18 , you became surety for (*name*) of (*place*) that he should appear

SCHEDULE V.—*continued.*

before this Court on the day of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India ; and whereas the said (*name*) has failed to appear before this Court, and by reason of such default you have forfeited the aforesaid sum of rupees ;

You are hereby required to pay the said penalty or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this
day of , 18 .

(*Seal.*)

(*Signature.*)

XLVI.—Notice to Surety of Forfeiture of Bond for Good Behaviour.

(*See section 514.*)

To of .

WHEREAS on the day of , 18 , you became surety by a bond for (*name*) of (*place*), that he would be of good behaviour for the period of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India ; and whereas the said (*name*) has been convicted of the offence of (*mention the offence concisely*) committed since you became such surety, whereby your security-bond has become forfeited ;

You are hereby required to pay the said penalty of rupees , or to show cause within days why it should not be paid.

SCHEDULE V.—*continued.*

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal.)

(Signature.)

**XLVII.—Warrant of Attachment
against a Surety.**

(See section 514)

To

WHEREAS (name, description and address) has bound himself as surety for the appearance of (mention the condition of the bond), and the said (name) has made default, and thereby forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (the penalty in the bond) ;

This is to authorize and require you to attach any moveable property of the said (name) which you may find within the District of , by seizure and detention ; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal.)

(Signature.)

SCHEDULE V.—*continued.*

**XLVIII.—Warrant of Commitment of the
Surety of an Accused Person admitted
to Bail.**

See section 514.)

To the Superintendent (or Keeper) of the Civil Jail at

WHEREAS (*name and description of surety*) has bound himself as a surety for the appearance of (*state the condition of the bond*), and the said (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Queen, Empress of India ; and whereas the said (*name of surety*) has, on due notice to him, failed to pay the said sum of show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property, of his, and an order has been made for his imprisonment in the Civil Jail for (*specify the period*) ;

This is to authorize and require you, the said Superintendent (or Keeper), to receive the said (*name*) into your custody with this warrant and him safely to keep in the said jail for the said (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal.)

(Signature.)

SCHEDULE V.—*continued.***XLIX.—Notice to the Principal of Forfeiture
of a Bond to keep the Peace.***(See section 514.)*To (*name, description and address*).

WHEREAS on the day of , 18 ,
 you entered into a bond not to commit, &c (*as in the bond*),
 and proof of the forfeiture of the same has been given before
 me and duly recorded ;

You are hereby called upon to pay the said penalty of
 rupees , or to show cause before me within
 days why payment of the same should not
 be enforced against you.

Dated this day of . 18 .

*(Seal.)**(Signature.)***L.—Warrant to attach the Property of the
Principal on Breach of a Bond to keep
the Peace.***(See section 514.)*To (*name and designation of Police-officer*) at the Police-
station of .

WHEREAS (*name and description*) did on the
 day of , 18 , enter into a bond for the sum
 of rupees , binding himself not to commit a
 breach of the peace, &c (*as in the bond*), and proof of the
 forfeiture of the said bond has been given before me and
 duly recorded ; and whereas notice has been given to the said
 (*name*) calling upon him to show cause why the said sum
 should not be paid, and he has failed to do so or to pay the
 said sum ;

SCHEDULE V.—*continued.*

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees _____ which you may find within the District of _____, and, if the said sum be not paid within _____, to sell the property so attached, or so much of it as may be sufficient to realize the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of _____, 18 ____.

(*Seal.*)

(*Signature.*)

II.—Warrant of Imprisonment on Breach of a Bond to keep the Peace.

(*See section 514*)

To the Superintendent (*or* Keeper) of the Civil Jail at _____.

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees _____; and whereas the said (*name*) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period (*term of imprisonment*);

This is to authorize and require you, the said Superintendent (*or* Keeper) of the said Civil Jail, to receive the said (*name*) in your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*); and to return this warrant with an endorsement certifying the manner of its execution.

SCHEDULE V.—*continued.*

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal)

(Signature.)

LII.—Warrant of Attachment and Sale on Forfeiture of Bond for Good Behaviour.

(See section 514.)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address*) did on the
day of , 18 , give security by bond in
the sum of rupees for the good behaviour of
name, &c., of the principal, and proof has been given before
me and duly recorded of the commission by the said (*name*)
of the offence of , whereby the said bond has
been forfeited; and whereas notice has been given to the
said (*name*) calling upon him to show cause why the said
sum should not be paid, and he has failed to do so or to pay
the said sum;

This is to authorize and require you to attach by seizure
moveable property belonging to the said (*name*) to the value
of rupees which you may find within the
District of , and, if the said sum be not paid
within , to sell the property so attached, or so
much of it as may be sufficient to realize the same, and to
make return of what you have done under this warrant im-
mediately upon its execution.

Given under my hand and the seal of the Court, this
day of , 18 .

(Seal.)

(Signature.)

SCHEDULE V.—*concluded.***LIII.—Warrant of Imprisonment on Forfeiture
of Bond for Good Behaviour.**(*See section 514.*)To the Superint'endent (*or Keeper*) of the Civil Jail atWHEREAS (*name, description and address*) did on the
day of , 18 ,

give security by bond in the sum of rupees for the
good behaviour of (*name, &c., of the principal*), and proof
of the breach of the said bond has been given before me and
duly recorded whereby the said (*name*) has forfeited to Her
Majesty the Queen, Empress of India, the sum of rupees ;
and whereas he has failed to pay the said sum or to show
cause why the said sum should not be paid, although duly
called upon to do so, and payment thereof cannot be enforced
by attachment of his moveable property, and an order has
been made for the imprisonment of the said (*name*) in the
Civil Jail for the period of (*term of imprisonment*) ;

This is to authorize and require you, the said Superinten-
dent (*or Keeper*), to receive the said (*name*) into your
custody together with this warrant, and him safely to keep
in the said jail for the said period of (*term of imprisonment*);
returning this warrant with an endorsement certifying the
manner of its execution.

Given under my hand and the seal of the Court, this
day of , 18 .

(*Seal*)(*Signature.*)

ACT NO. III OF 1884.

ACT NO. III OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the
25th January 1884.)*

An Act to amend the Code of Criminal Procedure,
1882.

Whereas it is expedient to amend the Code of
Criminal Procedure, 1882; it is hereby
enacted as follows :—

Amendment
of section 26. 1. In section 25, after the words
“British India” the following shall be
inserted :—

“Sessions Judges and District Magistrates are Justices
of the peace within and for the whole of the territories
administered by the Local Government under which
they are serving.”

Addition to
section 191. 2. To section 191 the following shall
be added, namely :—

“When a Magistrate takes cognizance of an offence
under clause (c), the accused, or, when there are several
persons accused, any one of them, shall be entitled to
require that the case shall, instead of being tried by
such Magistrate, be either transferred to another Magis-
trate or committed to the Court of Session.”

Amendment
of section 443. 3. In section 443, before the words
“Presidency Magistrate” the words “Dis-
trict Magistrate or” shall be inserted.

Amendment of section 444. 4. In section 444, after the words "Court of Session" the words "except the Sessions Judge" shall be inserted.

Amendment of section 446. 5. (1.) In section 446, before the words "Presidency Magistrate" the words "District Magistrate or" shall be inserted.

(2) To the same section the following shall be added namely:—

"and a District Magistrate shall not pass any such sentence other than imprisonment for a term which may extend to six months, or fine which may extend to two thousand rupees, or both."

Repeal of section 450. 6. Section 450 is hereby repealed.

New section substituted for section 451. 7. For section 451 the following shall be substituted:—

"451. (1) In trials of European British subjects before a High Court or Court of Session, if, before the first juror is called and accepted, or the first assessor is appointed, as the case may be, any such subject requires to be tried by mixed jury, the trial shall be by a jury of which not less than half the number shall be Europeans or Americans or both Europeans and Americans.

(2) "When any such trial before a Court of Session would in the ordinary course be with the aid of assessors, the European British subject accused, or, where there are several European British subjects accused, all of them jointly, may, instead of claiming to be tried by a mixed jury, under sub-section (1), require that not less than half the number of the assessors shall be Europeans or Americans or both Europeans and Americans."

New sections to follow section 451. 8. After section 451 the following shall be inserted, namely:—

451A. (1) In trials of European British subjects before a District Magistrate, any such subject may, in a summons case before he is heard in his defence under section 244, or in a warrant case before he enters on his defence under section 256, claim that the trial shall be by a jury composed in manner prescribed by section 451.

"(2) If a claim is made under sub-section (1) in a summons case at the time when the Magistrate proceeds under section 244 to hear the accused or in a warrant case at the time when the Magistrate calls upon the accused under section 256 to enter upon the defence, the Magistrate shall forthwith issue the necessary orders for the trial by a jury as aforesaid.

"(3) If such a claim is made at an earlier stage of the proceedings, the Magistrate shall issue such orders whenever it appears to him from the evidence recorded that there will be a sufficient case to go before a Jury.

"(4) In every such case the Magistrate shall, notwithstanding anything contained in section 242, before issuing any orders as aforesaid, frame a formal charge.

"(5) The provisions of sections 211, 216, 217, 219 and 220 shall, so far as may be, apply for the purpose of securing the attendance of the complainant, the accused and the witnesses at every trial to be held under this section.

"(6) The provisions of this Code relating to the procedure in a trial by jury before a Court of Session shall, as nearly as may be, apply to every trial under this section as if the District Magistrate were a Sessions Judge and the accused had been committed to his Court for trial.

"(7) All Courts may construe any of the provisions referred to in sub-section (5) or sub-section (6), in so far as they are made applicable by that sub-section, with such verbal alterations not affecting the substance

as may be necessary or proper to adapt the same to the matter before them.

“(8) Nothing in this section shall affect the power of the Magistrate to commit an accused person for trial under section 347 or section 447.”

“451 B. (1) If an accused person claims to be tried by jury under section 451A, and in the opinion of the District Magistrate there is reason to believe that a jury composed in manner prescribed by section 451 cannot be constituted for the trial before himself, or cannot be so constituted without an amount of delay, expense or inconvenience which under the circumstances of the case would be unreasonable, he may instead of issuing orders for the trial before himself under section 451A, transfer the case for trial to such other District Magistrate or to such Sessions Judge as the High Court may, from time to time, by rules made by it in this behalf and approved by the Local Government, or by special order, direct.

Transfer to another Court in certain cases.

“(2) When a case is transferred under this section to a Sessions Judge or District Magistrate, he shall with all convenient speed try it with the same powers (including the power of commitment) and according to the same procedure as if he were a District Magistrate acting under section 451A.”

9. The last sixteen words of section 459 are hereby repealed ; and in the same section, after the words “any Magistrate ” the words “or any Judge presiding in a Court of Session ” shall be inserted.

Amendment of section 459.

10. In section 462, after the figures “460” the following shall be inserted, namely :—“or before the Court of a District Magistrate or Sessions Judge proceeding under section 451A or 451B,”

Amendment of section 462.

11. In section 526, after clause (d), the following shall be inserted, namely :—

Amendment of section 526.

"or

"(e) that such an order is expedient for the ends of justice."

(2) In the same section, after clause (3), the following shall be inserted, namely:—

"or

"(4) that an accused person be committed for trial to itself or to a Court of Session."

New section
inserted after
section 526.

12. After section 526 the following section shall be inserted, namely:—

"526A. If any criminal case or appeal, before the commencement of the hearing, the public prosecutor, the complainant or the accused notifies to the Court before which the case or appeal is pending his intention to make an application under section 526 in respect of the case, the Court shall exercise the powers of postponement or adjournment given by section 344 in such a manner as will afford a reasonable time for the application being made and an order being obtained thereon, before the accused is called on for his defence, or, in the case of an appeal, before the hearing of the appeal."

Addition to
section 528.

13. To section 528 the following shall be added, namely:—

"A Magistrate making an order under this section shall record in writing his reason for making the same."

Construction.

X of 1882.

14. (1) In this Act, "section" means section of the Code of Criminal Procedure, 1882.

(2) All references to that Code made in enactments hitherto passed or hereafter to be passed shall be read as made to that Code as amended by this Act.

Short title
a commence-
ment

15. This Act may be called the Criminal Procedure Code Amendment Act, 1884; and it shall come into force on the first day of May, 1884.

ACT NO. X OF 1886.

ACT NO. X OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

*(Received the assent of the Governor General on the
12th March, 1886.)*

An Act to amend the Code of Criminal Procedure 1882, and certain other Acts.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882, and certain other Acts ;

It is hereby enacted as follows :—

Code of Criminal Procedure, 1882.

1. In the last paragraph of section 31 of the Code of Criminal Procedure, 1882, for the words "any sentence of imprisonment for a term exceeding three years" the words "any sentence of imprisonment for a term exceeding four years, and any sentence of transportation," shall be substituted.

Substitution of new section for section 34. 2. For section 34 of the same Code the following shall be substituted, namely :—

"34. The Court of a District Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years ; but any sentence of imprisonment for a term exceeding four years, and any sentence of transportation, shall be subject to confirmation by the Sessions Judge."

Addition to section 55 and section 56. 3. After section 55 of the same Code, and after section 56 thereof, the following shall be added, namely :—

“This section applies to the police in the towns of Calcutta and Bombay.”

Amendment of sections 88 and 514. 4. In sections 88 and 514 of the same Code, after the words “District Magistrate” the words “or Chief Presidency Magistrate” shall be inserted.

Amendment of section 110. 5. In section 110 of the same Code, for the words “Sub-Divisional Magistrate or Magistrate of the first class specially empowered in this behalf by the Local Government” the words “or Sub-Divisional Magistrate, or a Magistrate of the first class specially empowered in this behalf by the Local Government” shall be substituted.

Amendment of section 162. 6. In section 162 of the same Code the word “shall” shall be inserted before the words “be used.”

Amendment of section 173. 7. In section 173 of the same Code the following shall be substituted for the second paragraph, namely :—

“Where a superior officer of police has been appointed under section 158, the report shall, in any cases in which the Local Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police-station to make further investigation.

Amendment of section 266. 8. In section 266 of the same Code, for the word and figures “section 307” the words and figures “sections 276 and 307” shall be substituted.

Amendment of section 269. 9. For the second paragraph of section 269 of the same Code the following shall be substituted, namely :—

"When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury."

Substitution
of new section
for section 396.

10. For section 398 of the same Code the following shall be substituted, namely :—

Provision
supplemental to
sections 35, 396
and 397.

398. (1) Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

"(2) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is after its execution to undergo a further substantive sentence, or further substantive sentences, of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences."

Ameniment
of section 401.

11. (1) For the third paragraph of section 401 of the same Code the following shall be substituted, namely :—

"If any condition on which a sentence has been suspended or remitted is, in the opinion of the Governor General in Council or of the Local Government as the case may be, not fulfilled, the Governor General in Council or the Local Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any Police-officer without warrant and be remanded to undergo the unexpired portion of the sentence."

(2) After the third paragraph of the same section the following shall be inserted, namely :—

“The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will.”

New section
to follow section
475.

12. After section 475 of the same Code the following sections shall be inserted, namely :—

Power of
Governor General in Council
to order criminal lunatics
confined by order of Local
Government to be removed
from one province to another.

“475A. The Governor General in Council may direct that any person whom the Local Government has ordered under this chapter to be confined in a lunatic asylum, jail or other place of safe custody, shall be removed from the place where he is confined to any lunatic asylum, jail or other place of safe custody in British India.

“475B. The Local Government may empower the officer in charge of the jail in which a person is confined under the provisions of section 466 or section 471 to discharge all or any of the functions of the Inspector General of Prisons under section 472, section 473 or section 474.”

Amendment
of section 495.

13. (1) For the first sentence of section 495 of the same Code the following shall be substituted, namely :—

“Any Magistrate inquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of police below a rank to be prescribed by the Local Government in this behalf with the previous sanction of the Governor General in Council.

(2) After the last sentence of the same section the following shall be added, namely :—

"An officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted."

14. In section 510 of the same Code, for the word
Amendment "the" before the words "Chemical Examiner" where those words first occur, the
of section 510. word "any" shall be substituted.

New section 15. After section 541 of the same Code
to follow section 541. the following shall be inserted, namely :—

Removal to 541A. (1) If any person liable to be
criminal jail of imprisoned or committed to custody under
accused or convicted persons this Code is in confinement in a civil
who are in jail, the Court or Magistrate ordering the
in confinement imprisonment or committal may direct
in civil jail, and that the person be removed to a criminal
their return to jail.
the civil jail.

"(2) When a person is removed to a criminal jail under sub-section (1), he shall, on being released therefrom, be sent back to the civil jail, unless either—

"(a) three years have elapsed since he was removed
to the criminal jail, in which case he shall
XIV of 1882. be deemed to have been discharged from
the civil jail under section 342 of the Code of Civil
Procedure ; or

"(b) the Court which ordered his imprisonment in the
civil jail has certified to the officer
XIV of 1882. in charge of the criminal jail
that he is entitled to be discharged under section
341 of the Code of Civil Procedure."

Addition of 16. After section 558 of the same Code
new section the following section shall be added,
after section namely :—
558.

Officers concerned in sales not to purchase or bid for property.

559. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property."

Correction of omission in Schedule II.

17. In Schedule II of the same Code, between the two lines of entries against section 211 of the Indian Penal Code the following shall be inserted, namely :—

Column 2.	Column 3.	Column 4.	Column 5.
" If offence charged be punishable with imprisonment for seven years.	Ditto.	Ditto.	Ditto.

Column 6.	Column 7.	Column 8.
Ditto .	Imprisonment of either description for seven years, and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Further amendment of schedule II. 18. In the same Schedule, for section 225A and the line of entries against that section the following shall be substituted, namely ;—

Column 1.	Column 2.	Column 3.	Column 4.
" 225A	<p>Omission to apprehend, or sufferance of escape, on part of public servant in cases not otherwise provided for—</p> <p>(a) in case of intentional omission or sufferance.</p> <p>(b) in case of negligent omission or sufferance.</p>	<p>Shall not arrest without warrant,</p> <p>Ditto</p>	<p>Ditto</p> <p>Summons.</p>
Column 5	Column 6.	Column 7.	Column 8.
Bailable	Ditto	Imprisonment of either description for three years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
Ditto	Ditto	Simple imprisonment for two years or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

Column 1.	Column 2.	Column 3.	Column 4.
" 225B	Resistance or obstruction to lawful apprehension or escape or rescue, in cases not otherwise provided for.	Warrant	May arrest without warrant.

Column 5.	Column 6	Column 7.	Column 8.
Ditto	Ditto	Imprisonment of either description for six months, or fine, or both.	Ditto."

19. In the part of Schedule III of the same Code entitled "*IV.—Ordinary Powers of a Sub-divisional Magistrate,*" the following Correction of omission in Schedule III. shall be inserted after the second article, namely :—

"(2A) Power to require security for good behaviour, section 110."

Bombay District Police Act, 1867.

Amendment of
Bombay Dis-
trict Police Act.

20. The last nine words of section 23 of the Bombay District Police Act, 1867, are hereby repealed.

Indian Penal Code.

Amendment of
sections 40 and
64 of the Indian
Penal Code.

21. (1) In the second clause of section 40 of the Indian Penal Code, between the figures "66" and "71" the figures "67" shall be inserted.

(2) In the second clause of section 64 of the same Code, after the word "punishable" the words "with imprisonment or fine, or" shall be inserted.

Amendment of
section 75 of the
Indian Penal
Code.

22. In section 75 of the same Code, for the words "or to double the amount of punishment" to the end of the section, the following shall be substituted, namely :—

"or to imprisonment of either description for a term which may extend to ten years."

Addition to
section 216 of the
Indian Penal
Code.

23. After the first paragraph of section 216 of the same Code the following shall be inserted, namely :—

"'Offence' in this section includes also any act or omission of which a person is alleged to have been guilty out of British India which, if he had been guilty of it in British India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or under the Fugitive Offenders Act, 1881, or other-wise, liable to be apprehended or detained in custody in British India ; and every such act or omission shall, for the

44 & 45 Vic.,
cap. 69.

purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in British India."

Substitution
of new sections
for section 225A
of the Indian
Penal Code, and
repeal of section
651 of the Code
of Civil Proce-
dure.

Omission to
apprehend, or
sufferance of es-
cape, on part of
public servant
in cases not
otherwise pro-
vided for.

24. (1) For section 225A of the same Code the following sections shall be substituted, namely:—

"225A. Whoever, being a public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in section 221, section 222 or section 223, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished—

"(a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and

"(b) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

"225B. Whoever, in any case not provided for in section 224 or section 225 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is

Resistance or
obstruction to
lawful appre-
hension, or es-
cape or rescue,
not
pro-

lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."

XIV of 1882. (2) Section 651 of the Code of Civil Procedure is hereby repealed.

Prisoners Act, 1871.

Substitution of new sections for sections 30, 31 and 32 of the Prisoners Act. 25. For sections 30, 31 and 32 of the Prisoners Act, 1871, the following shall be substituted, namely:—

“30. When any person is, or has been, sentenced to imprisonment by any Court, or, in default of giving security for keeping the peace or maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Local Government, or (subject to its orders and under its control) the Inspector General of Prisons, may order his removal during the period for which he has been sentenced to imprisonment or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of imprisonment within the territories subject to the same Local Government.

“31. (1) Whenever it appears to the Local Government that any person detained or imprisoned under any order or sentence of any Magistrate or Court is of unsound mind, that Government, by a warrant setting forth the grounds of belief that the person is of unsound mind, may order his removal to a lunatic asylum or other

of safe custody within the territories subject to the same Local Government, there to be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment then until he is discharged according to law.

“(2) When it appears to the Local Government that the prisoner has become of sound mind, that Government, by a warrant directed to the person having charge of the prisoner, shall, if the prisoner is still liable to be kept in custody, remand him to the prison from which he was removed or to another prison within the territories subject to the same Local Government, or if the prisoner is no longer liable to be kept in custody, order him to be discharged.

“(3) The provisions of section 9 of Act XXXVI of 1858 (*relating to Lunatic Asylums*) shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Magistrate or Court to undergo.

“(4) In any case in which a Local Government is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the territories subject to the same Local Government, the Governor General in Council may order his removal to any lunatic asylum or other place of safe custody in any part of British India; and the provisions of this section respecting the custody, detention, remand ^{or} discharge of a prisoner removed by order of a Local ^{other} Government shall, so far as they can be made applicable, ^{vide} ^{for}

apply to a prisoner removed by order of the Governor General in Council.

“ 32. When any person is, or has been, sentenced to imprisonment by any Court, or, in default of giving security for maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of imprisonment in British India.”

ACT NO. V OF 1887.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the

28th January, 1887.)

An Act to amend the Code of Criminal Procedure,
1882.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882 ; It is hereby enacted
I of 1882. as follows :—

1. In the definition of "Officer in charge of a Police-station" in section 4, clause (o), of the said Code there shall be substituted for the word "therefrom" the words "from the station-house", and for the words "present at the Police-station" the words "present at the station-house."

Amendment
of section 4.

In section 312 of the said Code the word "four" shall be substituted for the word "two".

Amendment
of section 312.

ACT NO. V OF 1887.

ACT No. V of 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor-General on the
22nd March, 1861.)*

An Act for the Regulation of Police.

WHEREAS it is expedient to re-organize the Police and
to make it a more efficient instrument for
the prevention and detection of crime ; It
is enacted as follows :—

1. The following words and expressions in this Act
shall have the meaning assigned to them,
unless there be something in the subject
or context repugnant to such construction,
that is to say :—

The words “Magistrate of the District” shall mean
the Chief Officer charged with the executive
administration of a District and
exercising the powers of a Magistrate, by
whatever designation the Chief Officer charged with such
executive administration is styled.

The word “Magistrate” shall include all persons with-
in the General Police District, exercising
all or any of the powers of a Magistrate.

The word “Police” shall include all
persons who shall be enrolled under this
Act.

The words "General Police District" shall embrace any Presidency, Province, or place, or any part of any Presidency, Province, or place in which this Act shall be ordered to take effect.

"Property." The word "property" shall include any moveable property, money, or valuable security.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

"Person." The word "person" shall include a Company or Corporation.

"Month." The word "month" shall mean a calendar month.

The word "cattle" shall, besides horned cattle, include Elephants, Camels, Horses, Asses, Mules, Sheep, Goats, and Swine.

*II. The entire Police establishment under a Local Government shall, for the purposes of this Act, be deemed to be one Police Force, and shall be formally enrolled ; and shall consist of such number of Officers and men, and shall be constituted in such manner, and the members of such force shall receive such pay, as shall from time to time be ordered by the Local Government, subject to the sanction of the Governor-General of India in Council.

* Section 2 so far as it relates to the provinces under the control of the Lieutenant-Governor of Bengal, was repealed by section 1, Act VII (B. C.) of 1869.

III. The superintendence of the Police throughout a General Police District shall vest in and, subject to the general control of the Governor-General of India Council, shall be exercised by the Local Government to which such District is subordinate ; and except as authorized under the provisions of this Act, no person, Officer, or Court shall be empowered by the Local Government to appoint, supersede, or control any Police Functionary.

IV. The administration of the Police throughout a General Police District shall be vested in an Officer to be styled the Inspector General of Police, and in such Deputy Inspectors General, and Assistant Inspectors General, as to the Local Government shall seem fit.

The administration of the Police throughout the local jurisdiction of the Magistrate of the District shall, under the general control and direction of such Magistrate, be vested in a District Superintendent and such Assistant District Superintendents as the Local Government shall consider necessary. The Inspector General and other Officers above mentioned shall from time to time be appointed by the Local Government, and may be removed by the same authority.

Inspector General to have powers of a Magistrate.

To exercise them under the orders of Government.

V. The Inspector General of Police shall have the full powers of a Magistrate throughout the General Police District, but shall exercise those powers subject to such limitation as may from time to time be imposed by the Local Government.

VI. [*Repealed by Act X of 1882.*]

VII. The appointment of all Police Officers other than those mentioned in Section IV of this Act shall, under such rules as the Local Government shall from time to time sanction, rest with the Inspector General, Deputy Inspectors General

Inspector General, &c., to appoint and dismiss.

Assistant Inspectors General and District Superintendents of Police, who may, under such rules as aforesaid, at any time, dismiss, suspend or reduce any Police Officer whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same, or fine any Police Officer to any amount not exceeding one month's pay who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof.

VIII. Every Police Officer, so appointed, shall receive on his appointment a certificate in the form annexed to this Act, under the seal of the Inspector General or such other Officer as the Inspector General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed or otherwise removed from employment in the Police Force, and shall be immediately surrendered to the Superior Officer of such person or to some other Officer empowered to receive the same.

IX. No Police Officer shall be at liberty to withdraw himself from the duties of his office unless expressly allowed to do so by the District Superintendent or by some other Officer authorized to grant such permission, or, without the leave of the District Superintendent, to resign his office unless he shall have given to his Superior Officer notice in writing, for a period of not less than two months, of his intention to resign.

X. No Police Officer shall engage in any employment or Office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Inspector General.

XI. *[Repealed by Act No. X of 1869, section 1.]*

XII. The Inspector General of Police may, from time to time, subject to the approval of the Local Government, frame such orders and rules as he shall deem expedient, relative to the organization, classification, and distribution of the Police Force, the places at which the Members of the Force shall reside, and the particular services to be performed by them; their inspection, the description of arms, accoutrements, and other necessaries to be furnished to them; the collecting and communicating by them of intelligence and information; and all such other orders and rules relative to the Police Force as the Inspector General shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such Force efficient in the discharge of its duties.

XIII. It shall be lawful for the Inspector General of Police, or any Deputy Inspector General, or Assistant Inspector General, or for the District Superintendent, subject to the general direction of the Magistrate of the District, on the application of any person showing the necessity thereof, to depute any additional number of Police Officers to keep the peace at any place within the General Police District, and for such time as shall be deemed proper. Such force shall be exclusively under the orders of the District Superintendent, and shall be at the charge of the person making the application. Provided that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector General, Deputy Inspector General, or Assistant Inspector General, or to the District Superintendent, to require that the Police Officers so deputed shall be withdrawn; and such person shall be relieved from the charge of such additional Force from the expiration of such notice.

XIV. Whenever any Railway, Canal, or other public work, or any manufactory or commercial concern, shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector General

Inspector General to make rules.
Additional Police Officers employed at the cost of individuals.
Appointment of additional Force in the neighbourhood of Railway and other works.

that the employment of an additional Police Force in such place is rendered necessary by the behaviour, or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory, or concern, it shall be lawful for the Inspector General, with the consent of the Local Government, to depute such additional Force to such place, and to employ the same so long as such necessity shall continue, and to make orders from time to time upon the person having the control or custody of the Funds used in carrying on such work, manufactory, or concern, for the payment of the extra Force so rendered necessary, and such person shall thereupon cause payment to be made accordingly.

XV. It shall be lawful for the Inspector General of Police, with the sanction of the Local Government, to be notified by proclamation in the Government Gazette, and in such other manner as the Local Government shall direct, to employ any Police Force in excess of the ordinary fixed complement to be quartered in any part of the General Police District which shall be found to be in a disturbed or dangerous state, or in any part of the General Police District in which, from the conduct of the inhabitants, he may deem it expedient to increase the number of Police. The inhabitants of the part of the country described in the notification shall be charged with the cost of such additional Police Force, and the Magistrate of the District, after enquiry if necessary, shall assess the proportion in which the amount is to be paid by the inhabitants according to his judgment of their respective means.

XVI. All monies payable under the last three preceding Sections, on account of any additional Police Force employed as therein directed, shall be recoverable under the warrant of a Magistrate by distress and sale of the goods of the defaulter within the District of such Magistrate, or by suit in any competent Court; and the monies paid on this account or so

recovered shall be credited to a fund to be called "The General Police Fund," and shall be applied to the maintenance of the Police Force under such orders as the Local Government shall pass.

XVII. When it shall appear that any unlawful assembly, or riot, or disturbance of the peace has taken place, or may be reasonably apprehended, and that the Police Force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly, or riot, or disturbance of the peace has occurred, or is apprehended, it shall be lawful for any Police Officer not below the rank of Inspector to apply to the nearest Magistrate to appoint so many of the residents of the neighbourhood as such Police Officer may require to act as Special Police Officers for such time and within such limits as he shall deem necessary; and the Magistrate to whom such application is made shall, unless he see cause to the contrary, comply with the application.

XVIII. Every Special Police Officer so appointed shall have the same powers, privileges, and protection, and shall be liable to perform the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities as the ordinary Officers of Police.

XIX. If any person being appointed a Special Police Officer as aforesaid shall, without sufficient excuse, neglect, or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty Rupees for every such neglect, refusal, or disobedience.

XX. Police Officers, enrolled under this Act, shall not exercise any authority, except the authority provided for a Police Officer under this Act and any Act which shall hereafter be passed for regulating Criminal Procedure.

XXI. Nothing in this Act shall affect any hereditary or other Village Police Officer, unless such Village Police Officer shall be enrolled as a Police Officer under this Act. When so enrolled, such Officer shall be bound by the provisions of the last preceding Section. No Hereditary or other Village Police Officer shall be enrolled without his consent and the consent of those who have the right of nomination. If any Police Officer appointed under Act XX of 1856 (*to make better provision for the appointment and maintenance of Police Chowkeedars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal*) is employed out of the District for which he shall have been appointed under that Act, he shall not be paid out of the rates levied under the said Act for that District.

Police Officers
to be considered
always on duty,
and may be em-
ployed in any
part of the
General Police
District.

XXII. Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty, and may at any time be employed as a Police Officer in any part of the General Police District.

XXIII. It shall be the duty of every Police Officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders to justice; and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists: and it shall be lawful for every Police Officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking shop, gaming house, or other place of resort of loose and disorderly characters.

XXIV. It shall be lawful for any Police Officer to lay any information before a Magistrate, and to apply for a summons, warrant, search warrant, or such other legal process as may by law issue against any person committing an offence.*

XXV. It shall be the duty of every Police Officer to take charge of all unclaimed property, and to furnish an inventory thereof to the Magistrate of the district. The Police Officers shall be guided as to the disposal of such property by such orders as they shall receive from the Magistrate of the District.

XXVI. The Magistrate of the District may detain the property and issue a proclamation, specifying the articles of which it consists, and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

XXVII. If no person shall within the period allowed claim such property, it may be sold under the orders of the Magistrate of the District, and the proceeds shall be at the disposal of Government.

XXVIII. Every person, having ceased to be an enrolled Police Officer under this Act, who shall not forthwith deliver up his certificate, and the clothing, accoutrements, appointments, and other necessities which shall have been supplied to him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or to both.

* See Act X of 1882.

XXIX. Every Police Officer who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent Authority ; or who shall withdraw from the duties of his office without permission, or without having given previous notice for the period of two months ; or who shall engage without authority in any employment other than his Police duty ; or who shall be guilty of cowardice, or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment, with or without hard labor, for a period not exceeding three months, or to both.

XXX. The District Superintendent and Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets, or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass. They may also regulate the use of music in the streets on the occasion of festivals and ceremonies.

XXXI. It shall be the duty of the Police to keep order on the public roads, and in the public streets, thoroughfares, ghauts, and landing places, and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship during the time of public worship, and in any case when any road, street, thoroughfare, ghaut, or landing place may be thronged or may be liable to be obstructed.

XXXII. Every person opposing, or not obeying the orders issued under the last two preceding Sections, or violating the conditions of any license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music, or for

Penalties for neglect of duty, &c.

Regulation of public processions, &c.

Police to keep order in public roads, &c.

Penalty for disobeying orders issued under last two Sections, &c.

the conduct of assemblies and processions, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred Rupees.

Control of the Magistrate of the District under last three Sections. XXXIII. Nothing in the last three preceding Sections shall be deemed to interfere with the general control of the Magistrate of the District over the matters referred to therein.

XXXIV*. Any person who, on any road or in any street or thoroughfare within the limits of any Town to which this Section shall be specially extended by the Local Government, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger, or damage of the residents and passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment not exceeding eight days; and it shall be lawful for any Police Officer to take into custody, without a warrant, any person who within his view commits any of such offences, namely:—

Slaughtering cattle, furious riding, &c. *First.* Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle.

Cruelty to animals. *Second.* Any person who wantonly or cruelly beats, abuses or tortures any animal.

Obstructing passengers. *Third.* Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers.

* See Acts No. X of 1872. Section 529.
 „ IV of 1873. „ 14 (a).
 „ XI of 1873. „ 14 (a).
 „ XV of 1873. Sections 30, 35.
 „ VII of 1874. Section 33.

or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public.

Exposing goods for sale. *Fourth.* Any person who exposes any goods for sale.

Fifth. Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials ; or who constructs any cowshed, stable, or the like, or who causes any offensive matter to run from any house, factory, dung-heap, or the like.

Throwing dirt into street. *Sixth.* Any person who is found drunk or riotous, or who is incapable of taking care of himself.

Being found drunk in any thoroughfare. *Seventh.* Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose.

Indecent exposure of person. *Eighth.* Any person who neglects to fence in, or duly to protect any well, tank, or other dangerous place or structure.

Neglect to protect dangerous places. XXXV. *Any charge against a Police Officer above the rank of a Constable under this Act shall be enquired into and determined only by an Officer exercising the powers of a Magistrate.

XXXVI. Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence.

* See Act X of 1882.

by this Act. Provided that no person shall be punished twice for the same offence.

Proviso.

XXXVII. All forfeitures or penalties imposed under the authority of this Act for offences punishable by a Magistrate may, in case of non-payment thereof, be levied by distress and sale of the property of the offender within the limits of the jurisdiction of

Levy of forfeiture and penalties by distress.

the Magistrate of the District, by warrant under the hand of the Magistrate who made the order.

XXXVIII. In case any such forfeiture or penalty shall not be forthwith paid, the Magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of the Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Procedure until return is made to warrant of distress.

XXXIX. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the Magistrate by the confession of the

Imprisonment if distress not sufficient.

offender or otherwise, that he has not sufficient property whereupon such fine or sum of money could be levied if a warrant of distress were issued, the Magistrate may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of the Magistrate, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XL. If the offender be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the District wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.

Levy of fines from European British subjects. **Rewards to Police and informers payable to General Police Fund.** **XLI.** All sums paid for the service of process by Police Officers, and all rewards, forfeitures, and penalties or shares of rewards, forfeitures, and penalties which by law are payable to informers, shall, when the information is laid by a Police Officer, be paid into the General Police Fund.

Limitation of action. **XLII.*** All actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general Police powers hereby given, shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the District Superintendent or an Assistant District Superintendent of the District in which the act was committed, one month at least before the commencement of the action. No plaintiff shall recover in any such action if tender of sufficient

Tender of amends. **amends.** amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held, shall certify his approbation of the action.

Proviso. Provided always that no action shall in any case lie where such Officers shall have been prosecuted criminally for the same act.

* So much of this section as relates to the limitation of suits was repealed by Act No. IX of 1871, section 2.

XLIII. When any action or prosecution shall be brought or any proceedings held against any Police Officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate. Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate, and the defendant shall thereupon be entitled to a decree in his favor, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine. Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section.

Plea that act was done under a warrant.

Proviso.

XLIV. It shall be the duty of every Officer in charge of a Police Station to keep a General Diary in such form as shall, from time to time, be prescribed by the Local Government, and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined. The Magistrate of the District shall be at liberty to call for and inspect such Diary.

Police Officers to keep a Diary.

XLV. The Local Government may direct the submission of such Returns by the Inspector General and other Police Officers as to such Local Government shall seem proper, and may prescribe the form in which such Returns shall be made.

Local Government empowered to prescribe the form of Returns.

XLVI. This Act shall not take effect in any Presidency, Province, or place, unless the same shall be extended to such Presidency, Province, or place by the Governor-General of India in Council by an order to be published in the Government

Scope of Act.

Gazette. When the Act shall have been so extended it shall be carried into effect in such Presidency, Province, or place as the Local Government, by an order to be published in the Official Gazette, shall direct.

XLVII. It shall be lawful for the Local Government, Authority of in carrying this Act into effect in any part District Super- of the territories subject to such Local intendent of Government, to declare that any authority Police over Vil- which now is or may be exercised by the lage Police. Magistrate of the District over any Village Watchman or other Village Police Officer for the purposes of Police, shall be exercised, subject to the general control of the Magistrate of the District, by the District Superintendent of Police.

FORM (*See Section VIII*).

A. B. has been appointed a Member of the Police Force under Act V of 1861, and is vested with the powers, functions, and privileges of a Police Officer.

ACT NO. VII (B.C.) OF 1869.

PASSED BY THE LIEUTENANT GOVERNOR OF BENGAL IN
COUNCIL.

*(Received the assent of the Lieutenant Governor on the
26th August 1869, and of the Governor General on
the 18th September 1869).*

*An Act to amend the Constitution of the Police Force in
Bengal.*

1. *Repeal of Section 2 Act V of 1869.*
2. *Power to divide the Provinces into Police Districts.*
3. *Power to appoint in Districts persons to execute duties of Inspector General.*
4. *Police establishment in each District to be considered one Police Force.*
5. *Power to employ Police out of District.*
6. *Construction of Act.*

Whereas it is expedient that the entire Police Establishment in the Provinces under the control of the Lieutenant Governor of Bengal should cease to be one Police Force, and that the said Provinces should cease to be one General Police District under one Inspector-General ; It is enacted as follows :—

Repeal of Section 2 Act V of 1861.

Governor of Bengal.

I. Section 11 of Act V of 1861 is repealed, so far as it relates to the Provinces under the control of the Lieutenant-Governor of Bengal.

II. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to divide the said Provinces into as many General Police Districts as he may think fit : and from time to time to vary and alter any of such General Police Districts, or to consolidate two or more of such General Police Districts into one District, as he may think fit.

III. It shall be lawful for the said Lieutenant-Governor, in each such General Police District, to appoint some person to exercise in such District the powers of an Inspector-General of Police, whether such person shall or shall not hold any other office under the said Lieutenant-Governor ; and the administration of the Police throughout such General Police District, and all powers and authorities by the said Act V of 1861 or any other Act conferred on an Inspector-General of Police, shall be vested in such person.

IV. The entire Police Establishment in every such District shall, for the purposes of the said Act V of 1861, be deemed to be one Police Force, and shall be formally enrolled, and shall consist of such number of officers and men, and shall be constituted in such manner, and the members of such Force shall receive such pay, as shall from time to time be ordered by the said Lieutenant-Governor, subject to the sanction of the Governor General of India in Council.

V. It shall be lawful for the Lieutenant-Governor to employ members of the Police Force who have been enrolled in, or appointed to, any one General Police District, in any other General Police District within the

Provinces subject to his control ; and the powers conferred on Police Officers by the Code of Criminal Procedure may be by them exercised in any portion of the said Provinces without reference to the local limits of the General Police District to which they may respectively belong.

VI. This Act shall be read and taken in the Provinces under the control of the Lieutenant-Governor of Bengal as part of the said Act V of 1861.

THE POLICE ACT.

NO. III OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor-General on the
17th February, 1888.)*

*An Act to amend the Law relating to the Regulation
of Police.*

Whereas it is expedient to relax those provisions of Acts for the regulation of police which restrict the employment of police-officers to the presidency, province or place of the police-establishment of which they are members; It is hereby enacted as follows:—

Title, extent and commence-
ment. I. (1) This Act may be called the Police Act, 1888.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. (1) Notwithstanding anything in Act XXIV of 1859 [*an Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George*], Act V of 1861 (*an Act for the Regulation of Police*), the Bombay District Police

Constitution
of police-forces
for special pur-
poses.

Act, 1867, or any Act relating to the police in any presidency-town, the Governor General in Council may, by notification in the Gazette of India, create a general police district embracing parts of two or more presidencies, provinces or places, and direct the enrolment under Act V of 1861 of a police-force for service therein.

(2) With respect to such a district and the police-force enrolled therefor, the functions of the Local Government under Act V of 1861, the Code of Criminal Procedure, 1882, and any other enactment for the time being in force relating to police shall, subject to any orders which the Governor General in Council may make in this behalf, be discharged by the Governor General in Council, or by such Local Government or other authority as the Governor General in Council may appoint, and the functions of the Inspector General of Police, Deputy Inspectors General, Assistant Inspectors General, District Superintendents of Police and Assistant District Superintendents under Act V of 1861 and any other enactment for the time being in force shall, subject as aforesaid, be discharged by such officer or officers as may be appointed by the authority ordinarily discharging under this sub-section the functions of the Local Government with respect to the district and force.

(3) Subject to any orders which the Governor-General in Council may make in this behalf, members of a police-force enrolled for service in a general police district created under sub-section (1) shall have within every part of any presidency, province or place of which any part is included in the district the powers, duties, privileges and liabilities which, as police-officers appointed under Act V of 1861, they have within the district.

(4) Any member of such a force whom the authority ordinarily discharging with respect thereto the functions of the Local Government under sub-section (2) has generally or specially empowered to act under this sub-section may, subject to any orders which the Governor General in Council may make in this behalf, exercise in any part of the local area in which he has the powers of a police-officer under sub-section (3) any of the powers which an officer in charge of a police-station has in that part, and, when so exercising any such power, shall, subject as aforesaid, be deemed to be an officer in charge of a police-station discharging the functions of such an officer within the limits of his station.

(5) Subject to any orders which the Governor General in Council may make in this behalf, a part of a presidency, province or place included in a general police district under sub-section (1) shall not by reason of being included therein cease for the purposes of any enactment relating to police to be part of the presidency, province or place of which it forms part.

(6) For the purposes of this section, and subject to the provisions thereof, Act V of 1861 shall, notwithstanding anything in section 46 of that Act, be deemed to take effect throughout the whole of British India.

3. Notwithstanding anything in any of the Acts mentioned or referred to in the last foregoing section, but subject to any orders which the Governor General in Council may make in this behalf, a member of the police-establishment of any presidency, province or place may discharge the functions of a police-officer in any part of British India beyond the limits of the presidency, province or place, and shall, while so discharging such functions, be deemed to be a member of the police-establishment of that part and be vested with the powers, functions and privileges, and be subject to the liabilities, of a police-officer belonging to that establishment.

**THE
INDIAN PENAL CODE.**

1860.

THE
1000 MANEY
AND

THE INDIAN PENAL CODE.

ARRANGEMENT OF SECTIONS.

CHAPTER I.

Introduction.

	SECTION.
PREAMBLE.	
Title and extent of operation of the Code	1
Punishment of offences committed within the said territories	2
Punishment of offences committed beyond, but which by law may be tried within the territories	3
Punishment of offences committed by a servant of the Queen within a Foreign allied State	4
Certain laws not to be affected by this Act	5

CHAPTER II.

General Explanations.

Definitions in the Code to be understood subject to exceptions	6
Expression once explained is used in the same sense throughout the Code.	7

	SECTION.
Gender	8
Number	9
" Man "	10
" Woman "	ib.
" Person "	11
" Public "	12
" Queen "	13
" Servant of the Queen "	14
" British India "	15
" Government of India "	16
" Government "	17
" Presidency "	18
" Judge "	19
" Court of justice "	20
" Public servant "	21
" Moveable property "	22
" Wrongful gain "	23
" Wrongful loss "	ib.
" Wrongful gain " includes wrongful retention of property	ib.
" Wrongful loss " includes the being wrongfully kept out of property	ib.
" Dishonestly "	24
" Fraudulently "	25
" Reason to believe "	26
Property in possession of wife, clerk or servant	27
" Counterfeit "	28
" Document "	29
" Valuable security "	3
" A will "	3
" Words referring to acts include illegal omissions	3

SECTION.

" Act"	33
" Omission"	ib.
" Liability for act done by several persons in further- ance of common intention	34
When such an act is criminal by reason of its being done with a criminal knowledge or intention	35
Effect caused partly by act and partly by omission	36
Co-operation by doing one of several acts constitut- ing an offence	37
Several persons engaged in the commission of a criminal act may be guilty of different offences	38
" Voluntarily"	39
" Offence"	40
" Special law"	41
" Local law"	42
" Illegal"	43
" Legally bound to do"	ib.
" Injury"	44
" Life"	45
" Death"	46
" Animal"	47
" Vessel"	48
" Year"	49
" Month"	ib.
" Section"	50
" Oath"	51
Good faith"	52

CHAPTER III.

Of Punishments.

	SECTION.
Punishments	53
Commutation of sentence of death	54
Commutation of sentence of transportation for life	55
Europeans and Americans to be sentenced to penal servitude instead of transportation	56
Proviso as to sentence for term exceeding ten years, but not for life	ib.
Fractions of terms of punishment	57
Offenders sentenced to transportation how to be dealt with until transportation	58
In what cases transportation may be awarded instead of imprisonment	59
Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple	60
Sentence of forfeiture of property	61
Forfeiture of property in respect of offenders punishable with death, transportation or imprisonment	62
Amount of fine	63
Sentence of imprisonment in default of payment of fine	6
Limit of term of imprisonment for default in payment of fine, when the offence is punishable with imprisonment as well as fine	6

	SECTION.
Description of imprisonment for such default	66
Term of imprisonment for default in payment of fine, when the offence is punishable with fine only	67
Such imprisonment to terminate upon payment of the fine	68
Termination of such imprisonment upon payment of proportional part of fine	69
Fine may be levied within six years, or at any time during the term of imprisonment	70
Death of offender not to discharge his property from liability	ib
Limit of punishment of offence which is made up of several offences	71
Punishment of a person found guilty of one of several offences, the judgment stating that it is doubtful of which	72
Solitary confinement	73
Limit of solitary confinement	74
Punishment of persons convicted, after a previous conviction, of an offence punishable with three years' imprisonment	75

CHAPTER IV.

General Exceptions.

Act done by a person bound, or by mistake of fact believing himself bound by law	76
--	----

	SECTION-
Act of Judge when acting judicially	77
Act done pursuant to the judgment or order of a Court of Justice	78
Act done by a person justified, or by mistake of fact believinig himself justified by law	79
Accident in the doing of a lawful act	80
Act likely to cause harm, but done without a criminal intent, and to prevent other harm	81
Act of a child under 7 years of age	82
Act of a child above 7 and under 12 years of age, who has not sufficient maturity of understanding	83
Act of a person of unsound mind	84
Act of a person incapable of judgment by reason of intoxication caused against his will	85
Offence requiring a particular intent or knowledge committed by one who is intoxicated	86
Act not intended and not known to be likely to cause death or grievous hurt, done by consent	87
Act not intended to cause death, done by consent in good faith for the benefit of a person	88
Act done in good faith, for the benefit of a child or person of unsound mind, by or by consent of guardian	89
Provisoes	ib.
Consent known to be given under fear or misconception	90
Consent of a child or person of unsound mind	ib.

SECTION.

Acts which are offences independently of harm caused to the person consenting, are not within the exceptions in sections 87, 88 and 89	91
Act done in good faith for the benefit of a person without consent	92
Provisoes	ib.
Communication made in good faith	93
Act to which a person is compelled by threats	94
Act causing slight harm	95
Nothing done in private defence is an offence	96
Right of private defence of the body and of property	97
Right of private defence against the act of a person of unsound mind, &c.	98
Acts against which there is no right of private defence	99
Extent to which the right may be exercised	ib.
When the right of private defence of the body extends to causing death	100
When such right extends to causing any harm other than death	101
Commencement and continuance of the right of private defence of the body	102
When the right of private defence of property extends to causing death	103
When such right extends to causing any harm other than death	104
Commencement and continuance of the right of private defence of property	105

Right of private defence against a deadly assault when there is risk of harm to an innocent person	106
---	-----

CHAPTER V.

Of Abetment.

Abetment of a thing	107
Abettor	108
Punishment of abetment if the act abetted is committed in consequence, and where no express provision is made for its punishment	109
Punishment of abetment if the person abetted does the act with a different intention from that of the abettor	110
Liability of abettor when one act is abetted and a different act is done	111
Proviso	ib.
Abettor when liable to cumulative punishment for act abetted and for act done	112
Liability of abettor for an effect caused by the act abetted different from that intended by the abettor	113
Abettor present when offence is committed	114
Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment	115

SECTION.

If an act which causes harm be done in consequence of the abetment	115
Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment	116
If the abettor or the person abetted be a public servant whose duty it is to prevent the offence	<i>ib.</i>
Abetting the commission of an offence by the public, or by more than ten persons	117
Concealing a design to commit an offence punishable with death, or transportation for life—	118
If the offence be committed	<i>ib.</i>
If the offence be not committed	<i>ib.</i>
A public servant concealing a design to commit an offence which it is his duty to prevent—	119
If the offence be committed	<i>ib.</i>
If the offence be punishable with death, &c.	<i>ib.</i>
If the offence be not committed	<i>ib.</i>
Concealing a design to commit an offence punishable with imprisonment—	120
If the offence be committed	<i>ib.</i>
If not committed	<i>ib.</i>

CHAPTER VI.

Of Offences against the State.

Whoever attempts to wage war, or abetting the waging of war against the Queen	121
---	-----

SECTION.

Conspiracy to commit offences punishable by section 121	121A
Collecting arms, &c., with the intention of waging war against the Queen	122
Concealing with intent to facilitate a design to wage war	123
Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power	124
Exciting disaffection	124A
Waging war against any Asiatic power in alliance with the Queen	125
Committing depredation on the territories of any power at peace with the Queen	126
Receiving property taken by war or depredation mentioned in sections 125 and 126	127
Public servant voluntarily allowing Prisoner of State or War in his custody to escape	128
Public servant negligently suffering Prisoner of State or War in his custody to escape	129
Aiding escape of, rescuing, or harbouring such prisoner	130

SECTION.

CHAPTER VII.

**Of Offences relating to the Army
and Navy.**

Abetting mutiny, or attempting to seduce a soldier or sailor from his duty	181
Abetment of mutiny, if mutiny is committed in consequence thereof	182
Abetment of an assault by a soldier or sailor on his superior officer, when in the execution of his office	183
Abetment of such assault, if the assault is committed	184
Abetment of the desertion of a soldier or sailor	185
Harbouring a deserter	186
Deserter concealed on board merchant vessel through negligence of master	187
Abetment of act of insubordination by a soldier or sailor	188
Persons subject to Articles of War not punishable under this Code	189
Wearing the dress of a soldier	140

CHAPTER VIII.

Of Offences against the Public Tran-
quillity.

Unlawful assembly	141
Being a member of an unlawful assembly	142
Punishment	148
Joining an unlawful assembly armed with any deadly weapon	144
Joining or continuing in an unlawful assembly, knowing that it has been commanded to dis- perse	145
Force used by one member in prosecution of common object	146
Punishment for rioting	147
Rioting, armed with a deadly weapon	148
Every member of an unlawful assembly to be deem- ed guilty of any offence committed in prosecu- tion of common object	149
Hiring, or conniving at hiring of persons to join an unlawful assembly	150
Knowingly joining or continuing in any assembly of five or more persons after it has been command- ed to disperse	151
Assaulting or obstructing public servant when sup- pressing riot, &c.	152
Wantonly giving provocation, with intent to cause riot—	153
If rioting be committed	ib
If not committed	ib

SECTION.

Owner or occupier of land on which an unlawful assembly is held	154
Liability of person for whose benefit a riot is committed	155
Liability of agent of owner or occupier for whose benefit a riot is committed	156
Harbouring persons hired for an unlawful assembly	157
Being hired to take part in an unlawful assembly or riot	158
Or to go armed	ib.
Affray	159
Punishment for committing affray	160

CHAPTER IX.

Of offences by or relating to Public
Servants.

Public servant taking a gratification other than legal remuneration, in respect of an official act	161
Taking a gratification, in order, by corrupt or illegal means, to influence a public servant	162
Taking a gratification for the exercise of personal influence with a public servant	163
Punishment for abetment by public servant of the offences above defined	164

SECTION

Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant	165
Public servant disobying a direction of the law, with intent to cause injury to any person	166
Public servant framing an incorrect document with intent to cause injury	167
Public servant unlawfully engaging in trade	168
Public servant unlawfully buying or bidding for property	169
Personating a public servant	170
Wearing garb or carrying token used by public servant with fraudulent intent	171

CHAPTER X.

Of Contempts of the Lawful Authority
of Public Servants.

Absconding to avoid service of summons or other proceeding from a public servant	172
Preventing service of summons or other proceeding, or preventing publication thereof	173
Non-attendance in obedience to an order from a public servant	174
Omission to produce a document to a public servant by a person legally bound to produce such document	175

SECTION.

Omission to give notice or information to a public servant by a person legally bound to give notice or information	176
Furnishing false information	177
Refusing oath when duly required to take oath by a public servant	178
Refusing to answer a public servant authorized to question	179
Refusing to sign statement	180
False statement on oath to public servant or person authorized to administer an oath	181
False information, with intent to cause a public servant to use his lawful power to the injury of another person	182
Resistance to the taking of property by the lawful authority of a public servant	183
Obstructing sale of property offered for sale by authority of a public servant	184
Illegal purchase or bid for property offered for sale by authority of a public servant	185
Obstructing public servant in discharge of his public functions	186
Omission to assist public servant when bound by law to give assistance	187
Disobedience to an order duly promulgated by a public servant	188
Threat of injury to a public servant	189
Threat of injury to induce any person to refrain from applying for protection to a public servant	190

CHAPTER XI.

Of False Evidence and Offences Against
Public Justice.

SECTION.

Giving false evidence	191
Fabricating false evidence	192
Punishment for false evidence	193
Giving or fabricating false evidence with intent to procure conviction of a capital offence	194
If innocent person be thereby convicted and executed	ib.
Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment	195
Using evidence known to be false	196
Issuing or signing a false certificate	197
Using as a true certificate one known to be false in a material point	198
False statement made in any declaration which is by law receivable as evidence	199
Using as true any such declaration known to be false	200
Causing disappearance of evidence of an offence com- mitted, or giving false information touching it, to screen the offender	201
If a capital offence	ib.
If punishable with transportation	ib.

SECTION.

If punishable with less than ten years' imprisonment	201
Intentional omission to give information of an offence by a person bound to inform	202
Giving false information respecting an offence committed	203
Destruction of document to prevent its production as evidence	204
False personation for the purpose of any act or proceeding in a suit	205
Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a decree	206
Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree	207
Fraudulently suffering a decree for a sum not due	208
Dishonestly making false claim in a Court of Justice	209
Fraudulently obtaining a decree for a sum not due	210
False charge of offence made with intent to injure	211
Harbouring an offender—	212
If a capital offence	ib.
If punishable with transportation for life, or with imprisonment	212
Taking gift, &c., to screen an offender from punishment	213
If a capital offence	ib.

SECTION.

If punishable with transportation for life, or with imprisonment	213
Offering gift or restoration of property in consideration of screening offender—	214
If a capital offence	ib.
If punishable with transportation for life, or with imprisonment	ib.
Taking gift to help to recover stolen property, &c.	215
Harbouring an offender who has escaped from custody, or whose apprehension has been ordered—	216
If a capital offence	ib.
If punishable with transportation for life, or with imprisonment	ib.
Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture	217
Public servant framing an incorrect record or writing with intent to save person from punishment or property from forfeiture	218
Public servant in a judicial proceeding corruptly making an order, report, &c., which he knows to be contrary to law	219
Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law	220
Intentional omission to apprehend on the part of a public servant bound by law to apprehend	221
Punishment	ib.

SECTION.

Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence or lawfully committed	222
Punishment	ib.
Escape from confinement or custody negligently suffered by a public servant	223
Resistance or obstruction by a person to his lawful apprehension	224
Resistance or obstruction to the lawful apprehension of another person	225
Punishment	ib.
Escape from custody for failing to furnish security	225A
Unlawful return from transportation	226
Violation of condition of remission of punishment	227
Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding	228
Personation of a juror or assessor	229

CHAPTER XII.

Of offences relating to Coin and Government Stamps.

'Coin' defined	230
Queen's coin	ib.

	SECTION.
Counterfeiting coin	231
Counterfeiting the Queen's coin	232
Making or selling instrument for counterfeiting coin	233
Making or selling instrument for counterfeiting Queen's coin	234
Possession of instrument or material for the purpose of using the same for counterfeiting coin	235
Abetting in India the counterfeiting out of India of coin	236
Import or export of counterfeit coin	237
Import or export of counterfeits of the Queen's coin	238
Delivery to another of coin, possessed with the knowledge that it is counterfeit	239
Delivery of Queen's coin, possessed with the knowledge that it is counterfeit	240
Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be counterfeit	241
Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof	242
Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof	243
Person employed in a mint causing coin to be of a different weight or composition from that fixed by law	244

SECTION.

Unlawfully taking from a mint any coining instrument	245
Fraudulently or dishonestly diminishing the weight or altering the composition of any coin	246
Fraudulently or dishonestly diminishing the weight or altering the composition of the Queen's coin	247
Altering appearance of any coin with intent that it shall pass as a coin of a different description	248
Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description	249
Delivery to another of coin possessed with the knowledge that it is altered	250
Delivery of Queen's coin possessed with the knowledge that it is altered	251
Possession of altered coin by a person who knew it to be altered when he became possessed thereof	252
Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof	253
Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered	254
Counterfeiting a Government stamp	255
Having possession of an instrument or material for the purpose of counterfeiting a Government stamp	256

SECTION.

Making or selling instrument for the purpose of counterfeiting a Government stamp	257
Sale of counterfeit Government stamp	258
Having possession of a counterfeit Government stamp	259
Using as genuine a Government stamp known to be counterfeit	260
Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it, with intent to cause loss to Government	261
Using a Government stamp known to have been before used	262
Erasure of mark denoting that stamp has been used	263

CHAPTER XIII.

Of Offences Relating To Weights And Measures.

Fraudulent use of false instrument for weighing	264
Fraudulent use of false weight or measure	265
Being in possession of false weights or measures	266
Making or selling false weights or measures	267

CHAPTER XIV.

**Of Offences Affecting the Public Health,
Safety, Convenience, Decency,
and Morals.**

SECTION.

Public nuisance	268
Negligent act likely to spread infection of any disease dangerous to life	269
Malignant act likely to spread infection of any disease dangerous to life	270
Disobedience to a quarantine rule	271
Adulteration of food or drink which is intended for sale	272
Sale of noxious food or drink	273
Adulteration of drugs	274
Sale of adulterated drugs	275
Sale of any drug as a different drug or preparation	276
Fouling the water of a public spring or reservoir	277
Making atmosphere noxious to health	278
Rash driving or riding on a public way	279
Rash navigation of a vessel	280
Exhibition of a false light, mark or buoy	281
Conveying person by water for hire in a vessel over- loaded or unsafe	282

	SECTION.
Danger or obstruction in a public way or navigation	283
Negligent conduct with respect to any poisonous substance	284
Negligent conduct with respect to any fire or combustible matter	285
Negligent conduct with respect to any explosive substance	286
Negligent conduct with respect to any machinery in the possession or under the charge of the offender	287
Negligence with respect to pulling down or repairing buildings	288
Negligence with respect to any animal	289
Punishment for public nuisance	290
Continuance of nuisance after injunction to discontinue	291
Sale, &c., of obscene books	292
Having in possession obscene book for sale or exhibition	293
Obscene songs	294
Keeping lottery-office	294A

CHAPTER XV.

Of Offences Relating to Religion.

Injuring or defiling a place of worship, with intent to insult the religion of any class	295
Disturbing a religious assembly	296

SECTION.

Trespassing on burial places, &c.	297
Uttering words, &c., with deliberate intent to wound the religious feelings of any person	298

CHAPTER XVI.

Of Offences Affecting the Human Body.

OF OFFENCES AFFECTING LIFE.

Culpable homicide	299
Murder	300
When culpable homicide is not murder	ib.
Culpable homicide by causing the death of a person other than the person whose death was intended	301
Punishment for murder	302
Punishment for murder by a life-convict	303
Punishment for culpable homicide not amounting to murder	304
Causing death by negligence	304A
Abetment of suicide of child, or insane person	305
Abetment of suicide	306
Attempt to murder	307
Attempts by life-convicts	ib.
Attempt to commit culpable homicide	308
Attempt to commit suicide	309
Thug	310

Punishment

311

**Of the causing of Miscarriage, of Injuries to
unborn children, of the exposure of Infants,
and of the concealment of births.**

Causing miscarriage	312
Causing miscarriage without woman's consent	313
Death caused by an act done with intent to cause miscarriage—	314
If act done without woman's consent	ib.
Act done with intent to prevent a child being born alive, or to cause it to die after birth	315
Causing death of a quick unborn child by an act amounting to culpable homicide	316
Exposure and abandonment of a child under twelve years by parent or person having care of it	317
Concealment of birth by secret disposal of dead body	318

Of Hurt.

Hurt	319
Grievous hurt	320
Voluntarily causing hurt	321
Voluntarily causing grievous hurt	322
Punishment for voluntarily causing hurt	323
Voluntarily causing hurt by dangerous weapons or means	324

	SECTION.
Punishment for voluntarily causing grievous hurt	325
Voluntarily causing grievous hurt by dangerous weapons or means	326
Voluntarily causing hurt to extort property or to constrain to an illegal act	327
Causing hurt by means of poison, &c., with intent to commit an offence	328
Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act	329
Voluntarily causing hurt to extort confession, or to compel restoration of property	330
Voluntarily causing grievous hurt to extort confession, or to compel restoration of property	331
Voluntarily causing hurt to deter public servant from his duty	332
Voluntarily causing grievous hurt to deter public servant from his duty	333
Voluntarily causing hurt on provocation	334
Causing grievous hurt on provocation	335
Punishment for Act which endangers life or the personal safety of others	336
Causing hurt by an act which endangers life or the personal safety of others	337
Causing grievous hurt by an act which endangers life or the personal safety of others	338

Of Wrongful Restraint and Wrongful Confinement.

Wrongful restraint	339
--------------------	-----

	SECTION.
Wrongful confinement	340
Punishment for wrongful restraint	341
Punishment for wrongful confinement	342
Wrongful Confinement for three or more days	343
Wrongful confinement for ten or more days	344
Wrongful confinement of person for whose liberation a writ has been issued	345
Wrongful confinement in secret	346
Wrongful confinement for the purpose of extorting property or constraining to an illegal act	347
Wrongful confinement for the purpose of extorting confession, or of compelling restoration of property	348

Of Criminal Force and Assault.

Force	349
Criminal force	350
Assault	351
Punishment for using criminal force otherwise than on grave provocation	352
Using criminal force to deter a public servant from discharge of his duty	353
Assault or use of criminal force to a woman with intent to outrage her modesty	354
Assault or criminal force with intent to dishonour a person otherwise than on grave provocation	355

SECTION.

Assault or criminal force in attempt to commit theft of property carried by a person	356
Assault or criminal force in attempt wrongfully to confine person	357
Assaulting or using criminal force on grave provocation	358

Of Kidnapping, Abduction, Slavery and Forced Labour.

Kidnapping	359
Kidnapping from British India	360
Kidnapping from lawful guardianship	361
Abduction	362
Punishment for kidnapping	363
Kidnapping or abducting in order to murder	364
Kidnapping or abducting with intent secretly and wrongfully to confine a person	365
Kidnapping or abducting a woman to compel her marriage, &c.	366
Kidnapping or abducting in order to subject a per- son to grievous hurt, slavery, &c.	367
Wrongfully concealing or keeping in confinement a kidnapped person	368
Kidnapping or abducting child under ten years with intent to steal moveable property from the person of such child	369
Buying or disposing of any person as a slave	370
Habitual dealing in slaves	371

	SECTION.
Selling of any minor for purposes of prostitution, &c.	372
Buying of any minor for purposes of prostitution	373
Unlawful compulsory labour	374

Of Rape.

Rape	375
Punishment for rape	376

Of Unnatural Offences.

Unnatural offences	377
--------------------	-----

CHAPTER XVII.

Of Offences against Property.

OF THEFT.

Theft	378
Punishment for theft	379
Theft in dwelling-house, &c.	380
Theft by clerk or servant of property in possession of master	381
Theft after preparation made for causing death or hurt, in order to the committing of the theft	382

Of Extortion.

Extortion	383
Punishment for extortion	384
Putting person in fear of injury, in order to commit extortion	385

SECTION.

Extortion by putting a person in fear of death or grievous hurt	386
Putting person in fear of death or of grievous hurt, in order to commit extortion.	387
Extortion by threat of accusation of an offence punishable with death or transportation, &c.	388
Putting person in fear of accusation of offence, in order to commit extortion.	389

Of Robbery and Dacoity.

Robbery	390
When theft is robbery	<i>ib.</i>
When extortion is robbery	<i>ib.</i>
Dacoity	391
Punishment for robbery	392
Attempt to commit robbery	393
Voluntarily causing hurt in committing robbery	394
Punishment for dacoity	395
Dacoity with murder	396
Robbery or dacoity, with attempt to cause death or grievous hurt	397
Attempt to commit robbery or dacoity when armed with deadly weapon.	398
Making preparation to commit dacoity	399
Punishment for belonging to a gang of dacoits.	400
Punishment for belonging to a wandering gang of thieves.	401

	SECTION
Assembling for purpose of committing dacoity	402
OF CRIMINAL MISAPPROPRIATION OF PROPERTY.	
Dishonest misappropriation of property	403
Dishonest misappropriation of property possessed by a deceased person at the time of his death	404
OF CRIMINAL BREACH OF TRUST.	
Criminal breach of trust	405
Punishment for criminal breach of trust	406
Criminal breach of trust by carrier, &c.	407
Criminal breach of trust by a clerk or servant	408
Criminal breach of trust by public servant, or by banker, merchant or agent	409
OF THE RECEIVING OF STOLEN PROPERTY.	
Stolen property	419
Dishonestly receiving stolen property	411
Dishonestly receiving property stolen in the com- mission of a dacoity	412
Habitually dealing in stolen property	413
Assisting in concealment of stolen property	414
OF CHEATING.	
Cheating	415
Cheating by personation	416
Punishment for cheating	417

SECTION.

Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect	418
Punishment for cheating by personation	419
Cheating and dishonestly inducing a delivery of property	420

OF FRAUDULENT DEEDS AND DISPOSITIONS OF
PROPERTY.

Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors	421
Dishonestly or fraudulently preventing from being made available for his creditors a debt or demand due to the offender	422
Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration	423
Dishonest or fraudulent removal or concealment of property	424

OF MISCHIEF.

Mischief	425
Punishment for committing mischief	426
Committing mischief and thereby causing damage to the amount of fifty rupees	427
Mischief by killing or maiming any animal of the value of ten rupees	428

SECTION.

Mischief by killing or maiming cattle, &c., or any animal of the value of fifty rupees	429
Mischief by injury to works of irrigation or by wrongfully diverting water	430
Mischief by injury to public road, bridge or river	431
Mischief by causing inundation or obstruction to public drainage attended with damage	432
Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights	433
Mischief by destroying or moving, &c., a landmark fixed by public authority	434
Mischief by fire or explosive substance with intent to cause damage to amount of one hundred rupees	435
Mischief by fire or explosive substance with intent to destroy a house, &c.	436
Mischief with intent to destroy or make unsafe a decked vessel or a vessel of twenty tons burden	437
Punishment for the mischief described in the last section when committed by fire or any explosive substance	438
Punishment for intentionally running vessel aground or ashore with intent to commit theft, &c.	439
Mischief committed after preparation made for causing death or hurt	440

SECTION.

OF CRIMINAL TRESPASS.

Criminal trespass.	441
House-trespass.	442.
Lurking house-trespass.	443
Lurking house-trespass by night.	444.
House-breaking.	445.
House-breaking by night.	446
Punishment for criminal trespass.	447
Punishment for house-trespass.	448
House-trespass in order to the commission of an offence punishable with death.	449
House-trespass in order to the commission of an offence punishable with transportation for life.	450.
House-trespass in order to the commission of an offence punishable with imprisonment.	451
House-trespass after preparation made for causing hurt to any person.	452
Punishment for lurking house-trespass or house-breaking.	453.
Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	454
Lurking house-trespass or house-breaking after preparation made for causing hurt to any person.	455.
Punishment for lurking house-trespass or house-breaking by night.	456.

SECTION.

Lurking house-trespass or house-breaking by night, in order to the commission of an offence punishable with imprisonment	457
Lurking house-trespass or house-breaking by night, after preparation made for causing hurt to any person	458
Grievous hurt caused whilst committing lurking house-trespass or house-breaking	459
All persons jointly concerned in house-breaking, &c., to be punishable for death or grievous hurt caused by one of their number	460
Dishonestly breaking open any closed receptacle containing or supposed to contain property	461
Punishment for same offence when committed by person entrusted with custody	462

CHAPTER XVIII.

Of Offences relating to Documents and
to Trade or Property-marks.

Forgery	463
Making a false document	464
Punishment for forgery	465
Forgery of a record of a Court of Justice, or of a public Register of births, &c.	466

SECTION.

Forgery of a valuable security or will	467
Forgery for the purpose of cheating	468
Forgery for the purpose of harming the reputation of any person	469
" A forged document "	470
Using as genuine a forged document	471
Making or possessing a counterfeit seal, plate, &c., with intent to commit a forgery punishable under section 467	472
Making or possessing a counterfeit seal, plate, &c., with intent to commit a forgery punishable otherwise	473
Having possession of a valuable security or will known to be forged with intent to use it as genuine	474
Counterfeiting a device or mark used for authenti- cating documents described in section 467, or possessing counterfeit marked material	475
Counterfeiting a device or mark used for authenti- cating documents other than those described in section 467, or possessing counterfeit marked material	476
Fraudulent cancellation, destruction, &c , of a will	477

OF TRADE AND PROPERTY-MARKS.

Trade-mark	478
Property-mark	479
Using a false trade-mark	480

	SECTION.
Using a false property-mark	481
Punishment for using a false-trade or property-mark with intent to deceive or injure any person.	482
Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury	483.
Counterfeiting a property-mark used by a public- servant, or any mark used by him to denote the manufacture, quality, &c., of any property	484
Fraudulently making or having possession of any die, plate, or other instrument for counterfeit- ing any public or private property or trade- mark	485.
Knowingly selling goods marked with a counterfeit property or trade mark	486
Fraudulently making a false mark upon any pack- age or receptacle containing goods	487
Punishment for making use of any such false mark	488
Defacing any property-mark with intent to cause injury.	489

CHAPTER XIX.

Of the Criminal Breach of Contracts of Service.

Breach of contract of service during a voyage or journey	490
Breach of contract to attend on and supply the wants of helpless persons	491

SECTION.

Breach of a contract to serve at a distant place to which the servant is conveyed at the master's expense	492
---	-----

CHAPTER XX.

Of Offences relating to Marriage.

Cohabitation caused by a man deceitfully inducing a belief of lawful marriage	493
Marrying again during the life-time of husband or wife	494
Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted	495
Marriage ceremony gone through with fraudulent intent without lawful marriage	496
Adultery	497
Enticing or taking away or detaining with a criminal intent a married woman	498

CHAPTER XXI.

Of Defamation.

Defamation	499
Imputation of any truth which the public good requires to be made or published	ib.

	SECTION.
Public conduct of public servants	499
Conduct of any person touching any public question	<i>ib.</i>
Publication of reports of proceedings of Courts of Justice	<i>ib.</i>
Merits of a case decided in a Court of Justice, or conduct of witnesses and others concerned therein	<i>ib.</i>
Merits of a public performance	<i>ib.</i>
Censure passed in good faith by a person having lawful authority over another	<i>ib.</i>
Accusation preferred in good faith to a duly authorized person	<i>ib.</i>
Imputation made in good faith by a person for the protection of his interests	<i>ib.</i>
Caution intended for the good of the person to whom it is conveyed or for the public good	<i>ib.</i>
Punishment for defamation	500
Printing or engraving matter known to be defamatory	501
Sale of printed or engraved substance containing defamatory matter.	502

CHAPTER XXII.

Of Criminal Intimidation, Insult and Annoyance.

	SECTION.
Criminal intimidation	503
Intentional insult with intent to provoke a breach of the peace	504
Circulating false report with intent to cause mutiny or an offence against the State, &c.	505
Punishment for criminal intimidation	506
If threat be to cause death or grievous hurt, &c.	<i>ib.</i>
Criminal intimidation by an anonymous communication	507
Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure	508
Word or gesture intended to insult the modesty of a woman	509
Misconduct in public by a drunken person	510

CHAPTER XXIII.

Of Attempts to Commit Offences.

Punishment for attempting to commit offences punishable with transportation or imprisonment	511
---	-----

ACT No. XLV OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

[*Received the assent of the Governor General on the 6th day of October 1860.*]

THE INDIAN PENAL CODE.

(*With the latest amendments.*)

CHAPTER I.

INTRODUCTION.

WHEREAS it is expedient to provide a General Penal Code for British India ; It is enacted as follows :—

Preamble.

1. This Act shall be called THE INDIAN PENAL CODE, and shall take effect on and from the 1st day of May 1861 throughout the whole of the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Victoria, Chapter 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca.

Title and extent of operation of the Code.

2. Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within the said territories on or after the said 1st day of May 1861.

Punishment of offences committed within the said territories.

3. Any person liable, by any law passed by the Governor-General of India in Council, to be tried for an offence committed beyond the limits of the said territories, shall be dealt with according to the provisions of this Code for any Act committed beyond the said territories, in the same manner as if such act had been committed within the said territories.

Punishment of offences committed beyond, but which by law may be tried within the territories.

4. Every servant of the Queen shall be subject to punishment under this Code for every act or omission contrary to the provisions thereof, of which he, whilst in such service, shall be guilty on or after the said 1st day of May 1861, within the dominions of any Prince or State in alliance with the Queen, by virtue of any treaty or engagement heretofore entered into with the East India Company, or which may have been or may hereafter be made in the name of the Queen by any Government of India.

Punishment of offences committed by a servant of the Queen within a Foreign allied State.

5. Nothing in this Act is intended to repeal, vary, suspend, or affect any of the provisions of the Statute 3 and 4 William IV., Chapter 85, or of any Act of Parliament passed after that Statute in any wise affecting the East India Company, or the said territories, or the inhabitants thereof; or any of the provisions of any Act for punishing mutiny and desertion of Officers and Soldiers in the service of Her Majesty, or of any special or local law.

Certain laws not to be affected by this Act.

CHAPTER II.

GENERAL EXPLANATIONS.

6. Throughout this Code every definition of an offence, every penal provision, and every illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled "General Exceptions,"

Definitions in the Code to be understood subject to exceptions.

though those exceptions are not repeated in such definition, penal provision, or illustration.

Illustrations.

(a) The sections, in this Code, which contain definitions of offences, do not express that a child under seven years of age, cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(b) A, a Police Officer, without warrant, apprehends Z, who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it."

Expression
once explained is
used in the same
sense throughout
the Code.

7. Every expression which is explained in any part of this Code, is used in every part of this Code in conformity with the explanation.

Gender.

8. The pronoun "he" and its derivatives are used of any person, whether male or female.

9. Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

Number.

10. The word "man" denotes a male human being of any age: the word "woman" denotes a female human being of any age.

"Man."

"Woman."

11. The word "person" includes any Company or Association or body of persons, whether incorporated or not.

"Person."

12. The word "public" includes any class of the public or any community.

"Public."

13. The word "Queen" denotes the Sovereign for the

"Queen." time being of the United Kingdom of Great Britain and Ireland.

14. The words "servant of the Queen" denote all "Servant of officers or servants continued, appointed, the Queen." or employed in India by or under the authority of the said Statute 21 and 22 Victoria, Chapter 106, entitled "An Act for the better Government of India," or by or under the authority of the Government of India or any Government.

15. The words "British India" denote the territories "British India." which are or may become vested in Her Majesty by the said Statute 21 and 22 Victoria, Chapter 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca.

16. The words "Government of India" denote the "Government Governor-General of India in Council, or, of India." during the absence of the Governor-General of India from his Council, the President in Council, or the Governor-General of India alone as regards the powers which may be lawfully exercised by them or him respectively.

17. The word "Government" denotes the person or "Government persons authorized by law to administer ment." executive Government in any part of British India.

"Presidency." 18. The word "Presidency" denotes the territories subject to the Government of a Presidency.

19. The word "Judge" denotes not only every person "Judge." who is officially designated as a Judge, but also every person who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be

definitive, or who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

Illustrations.

(a) A Collector exercising jurisdiction in a suit under Act X of 1859, is a Judge.

(b) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appeal, is a Judge.

(c) A member of a Panchayet which has power, under Regulation VII. 1816 of the Madras Code, to try and determine suits, is a Judge.

(d) A Magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another Court, is not a Judge.

20. The words "Court of Justice" denote a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

Illustration.

A panchayet acting under Regulation VII. 1816 of the Madras Code, having power to try and determine suits, is a Court of Justice.

21. The words "public servant" denote a person falling under any of the descriptions hereinafter following, namely—

First.—Every Covenanted servant of the Queen ;

Second.—Every Commissioned Officer in the Military or Naval Forces of the Queen while serving under the Government of India, or any Government ;

Third.—Every Judge ;

Fourth.—Every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any

property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties ;

Fifth.—Every juryman, assessor, or member of a Panchayet assisting a Court of Justice or public servant ;

Sixth.—Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority ;

Seventh.—Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement ;

Eighth.—Every officer of Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience ;

Ninth.—Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of Government, or to make any survey, assessment, or contract on behalf of Government, or to execute any revenue process, or to investigate, or to report on any matter affecting the pecuniary interests of Government, or to make, authenticate, or keep any document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government, and every officer in the service or pay of Government, or remunerated by fees or commission for the performance of any public duty ;

Tenth.—Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property, to make any survey or assessment, or to levy any rate or tax for any secular common purpose of any village, town, or district, or to make, authenticate, or keep any

document for the ascertaining of the rights of the people of any village, town or district.

Illustration.

A Municipal Commissioner is a public servant.

Explanation 1.—Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2.—Wherever the words “public servant” occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

22. The words “moveable property” are intended.

“Moveable” to include corporeal property of every description, except land and things attached to the earth, or permanently fastened to any thing which is attached to the earth.

23. “Wrongful gain” is gain by unlawful means of property to which the person gaining is not legally entitled.

“Wrongful loss.” “Wrongful loss” is the loss by unlawful means of property to which the person losing it is legally entitled.

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is

“Wrongful gain” includes wrongful retention of property.
“Wrongful loss” includes the being wrongfully kept out of property.
said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

24. Whoever does any thing with the intention of

“Dishonest- causing wrongful gain to one person, or ly.” wrongful loss to another person, is said to do that thing “dishonestly.”

25. A person is said to do a thing fraudulently if
 "Fraudulent- he does that thing with intent to defraud,
 ly." but not otherwise.

26. A person is said to have "reason to believe"
 "Reason to a thing, if he has sufficient cause to be-
 lieve." lieve that thing, but not otherwise.

27. When property is in the possession of a person's
 Property in wife, clerk or servant, on account of that
 possession of person, it is in that person's possession
 wife, clerk or within the meaning of this Code.
 servant.

Explanation.—A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this Section.

28. A person is said to "counterfeit" who causes one
 "Counterfeit." thing to resemble another thing, intend-
 ing by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

Explanation.—It is not essential to counterfeiting that the imitation should be exact.

29. The word "document" denotes any matter ex-
 "Document." pressed or described upon any substance
 by means of letters, figures, or marks, or by more than one of these means, intended to be used, or which may be used, as evidence of that matter.

Explanation I.—It is immaterial by what means, or upon what substance, the letters, figures, or marks are formed, or whether the evidence is intended for, or may be used in, a Court of Justice, or not.

Illustrations.

A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document.

A Check upon a banker is a document.

A power of attorney is a document.

A map or plan which is intended to be used, or which may be used as evidence, is a document.

A writing containing directions or instructions, is a document. f

Explanation 2.—Whatever is expressed by means of letters, figures or marks, as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.

Illustration.

A writes his name on the back of a bill of exchange payable to his order. The meaning of the endorsement, as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words "pay to the holder," or words to that effect, had been written over the signature.

30. The words "valuable security" denote a document "Valuable security," which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished, or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration.

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security."

31. The words "a will" denote any testamentary "A will." document.

32. In every part of this Code, except where a Words referring to acts include illegal omissions. contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

33. The word "act" denotes as well a series of acts as a single act : the word "omission" denotes as well a series of omissions as a single omission.

34. When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

Liability for act done by several persons in furtherance of common intention.

35. Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention, is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

When such an act is criminal by reason of its being done with a criminal knowledge or intention.

36. Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

Effect caused partly by act and partly by omission.

Illustration.

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

37. When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.

Co-operation by doing one of several acts constituting an offence.

Illustrations.

(a) A and B agree to murder Z by severally, and at different times, giving him small doses of poison. A and B

administer the poison according to the agreement with intent to murder Z. Z dies from the effects of the several doses of poison so administered to him. Here A and B intentionally co-operate in the commission of murder, and as each of them does an act by which the death is caused, they are both guilty of the offence though their acts are separate.

(b) A and B are joint jailors, and, as such, have charge of Z, a prisoner, alternately for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

(c) A, a jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food, in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder; but as A did not co-operate with B, A is guilty only of an attempt to commit murder.

38. Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that act.

Several persons engaged in the commission of a criminal act may be guilty of different offences.

Illustration.

A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide not amounting to murder. B, having ill-will towards Z, and intending to kill him, and not having been subject to the provocation, assists A in killing Z. Here, though A and B are both engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

39. A person is said to cause an effect "voluntarily," when he causes it by means whereby he intended to cause it, or by means which,

B

at the time of employing those means, he knew or had reason to believe to be likely to cause it.

Illustration.

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery, and thus causes death of a person. Here, A may not have intended to cause death, and may even be sorry that death has been caused by his act ; yet if he knew that he was likely to cause death, he has caused death voluntarily.

40. Except in the chapter and sections mentioned in "Offence" clauses two and three of this section, the word "Offence" denotes a thing made punishable by this Code.

In chapter IV and in the following sections, namely, sections *64, 65, 66, †67, 71, 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word "offence" denotes a thing punishable under this Code, or under any special or local law as hereinafter defined :

And in sections 141, 176, 177, 201, 202, 212, 216 and 441, the word "offence" has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.

"Special law." 41. A "special law" is a law applicable to a particular subject.

"Local law." 42. A "local law" is a law applicable only to a particular part of British India.

43. The word "illegal" is applicable to every thing which is an offence, or which is prohibited by law, or which furnishes ground for a civil action ; and a person is said to be "legally bound to do" whatever it is illegal in him to omit.

*See Sec. 1 Act No. VIII of 1882.

†See Sec. 21 Act No. X of 1886.

44. The word "injury" denotes any harm whatever
 "Injury." illegally caused to any person, in body,
 mind, reputation, or property.
45. The word "life" denotes the life of a human
 "Life." being, unless the contrary appears from
 the context.
46. The word "death" denotes the death of a human
 "Death." being, unless the contrary appears from
 the context.
47. The word "animal" denotes any
 "Animal." living creature, other than a human being.
48. The word "vessel" denotes any thing made for
 "Vessel." the conveyance by water of human beings,
 or of property.
49. Wherever the word "year" or the word "month"
 "Year." is used, it is to be understood that the
 "Month." year or the month is to be reckoned ac-
 cording to the British calendar.
50. The word "section" denotes one of those portions
 "Section." of a Chapter of this Code which are
 distinguished by prefixed numeral figures.
51. The word "oath" includes a solemn affirmation
 "Oath." substituted by law for an oath, and any
 declaration required or authorized by law
 to be made before a public servant, or to be used for the
 purpose of proof, whether in a Court of Justice or not.
52. Nothing is said to be done or believed in good
 "Good faith." faith, which is done or believed without
 due care and attention.
-

CHAPTER III.

OF PUNISHMENTS.

Punishments. 53. The punishments to which offenders are liable under the provisions of this Code are—

First.—Death ;

Secondly.—Transportation ;

Thirdly.—Penal Servitude ;

Fourthly.—Imprisonment, which is of two descriptions, namely—

(1) Rigorous, that is, with hard labour.

(2) Simple.

Fifthly.—Forfeiture of property ;

Sixthly.—Fine.*

* ACT No VI of 1864.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 18th February 1864).

An Act to authorize the punishment of whipping in certain cases.

WHEREAS it is expedient that in certain cases offenders should be liable, under the provisions of the Indian Penal Code, to the punishment of whipping ;
 Preamble. It is enacted as follows :—

Whipping added to the punishments described in section 53 of the Penal Code.

I. In addition to the punishments described in section 53 of the Indian Penal Code, offenders are also liable to whipping under the provisions of the said Code.

54. In every case in which sentence of death shall have been passed, the Government of India or the Government of the place within which the offender shall have been sentenced may, without the consent of the offender, commute the punishment for any other punishment provided by this Code.

Offences punishable with whipping in lieu of other punishment prescribed by Penal Code.

II. Whoever commits any of the following offences may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the Indian Penal Code, that is to say :—

1. Theft, as defined in section 378 of the said Code.
2. Theft in a building, tent, or vessel, as defined in section 380 of the said Code.
3. Theft by a clerk or servant, as defined in section 381 of the said Code.
4. Theft after preparation for causing death or hurt, as defined in section 382 of the said Code.
5. Extortion by threat, as defined in section 388 of the said Code.
6. Putting a person in fear of accusation in order to commit extortion, as defined in section 389 of the said Code.
7. Dishonestly receiving stolen property, as defined in section 411 of the said Code.
8. Dishonestly receiving property stolen in the commission of a dacoity, as defined in section 412 of the said Code.
9. Lurking house-trespass, or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section.
10. Lurking house-trespass by night, or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section.

III. Whoever, having been previously convicted of any

55. In every case in which sentence of transportation for life shall have been passed, the Government of India or the Government of the place within which the offender shall have been sentenced may, without the consent of the offender, commute the punishment for imprisonment of either description for a term not exceeding fourteen years.

On second conviction of any offence mentioned in last section, whipping may be added to other punishment.

one of the offence specified in the last preceding section, shall again be convicted of the same offence, may be punished with whipping in lieu of or in addition in any other punishment to which he may for such offence be liable under the Indian Penal Code.

IV. Whoever, having been previously convicted of any one of the following offences, shall be again convicted of the same offence, may be punished with whipping in addition to any other punishment to which he may be liable under the Indian Penal Code, that is to say :—

Offences punishable, in case of second conviction, with whipping in addition to other punishment.

1. Giving or fabricating false evidence in such manner as to be punishable under section 193 of the Indian Penal Code.

2. Giving or fabricating false evidence with intent to procure conviction of a capital offence, as defined in section 194 of the said Code.

3. Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment, as defined in section 195 of the said Code.

4. Falsely charging any person with having committed an unnatural offence, as defined in sections 211 and 377 of the said Code.

5. Assaulting or using criminal force to any woman with intent to outrage her modesty, as defined in section 354 of the said Code.

6. Rape, as defined in section 375 of the said Code.

56. Whenever any person being a European or American is convicted of an offence punishable under this Code with transportation, the Court shall sentence the offender to penal servitude, instead of transportation, according to the provisions of Act XXIV of 1855 :

Provided that, where an European or American offender would, but for such Act, be liable to be sentenced or ordered to be transported for a term exceeding ten years, but not for life, he shall be liable to be sentenced or ordered to be kept in penal servitude for such term exceeding six years as to the Court seems fit, but not for life.

7. Unnatural offences, as defined in section 377 of the said Code.

8. Robbery or dacoity, as defined in sections 390 and 391 of the said Code.

9. Attempting to commit robbery, as defined in section 393 of the said Code.

10. Voluntarily causing hurt in committing robbery, as defined in section 394 of the said Code.

11. Habitually receiving or dealing in stolen property, as defined in section 413 of the said Code.

12. Forgery, as defined in section 463 of the said Code.

13. Forgery of a document, as defined in section 466 of the said Code.

14. Forgery of a document, as defined in section 467 of the said Code.

15. Forgery for the purpose of cheating, as defined in section 468 of the said Code.

16. Forgery for the purpose of harming the reputation of any person, as defined in section 469 of the said Code.

17. Lurking house-trespass or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the

57. In calculating fractions of terms of punishment, **Fractions of terms of punishment.** transportation for life shall be reckoned as equivalent to transportation for twenty years.

committing of any offence punishable with whipping under this section.

18. Lurking house-trespass by night or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section.

V. Any juvenile offender who commits any offence which is not by the Indian Penal Code punishable with death, may, whether for a first or any other offence, be punished with whipping in lieu of any other punishment to which he may for such offence be liable under the said Code. **Juvenile offenders punishable with whipping for offences not punishable with death.**

VI. Whenever any Local Government shall, by notification in the official Gazette, have declared the provisions of this section to be in force in any Frontier District or any wild tract of country within the jurisdiction of such Local Government, any person who shall in such district or tract of country after such notification as aforesaid commit any of the offences specified in section IV of this Act, may be punished with whipping in lieu of any other punishment to which he may be liable under the Indian Penal Code. **When offences specified in section IV may be punished with whipping in Frontier Districts and wild tracts.**

VII. No female shall be punished with whipping, nor shall any person who may be sentenced to death, or to transportation, or to penal servitude, or to imprisonment for more than five years, be punished with whipping. **Exemption of females.**

VIII. No sentence of whipping shall be passed by any officer inferior to a Subordinate Magistrate of the first class, unless he shall have been expressly empowered by the Local Government to pass sentences of whipping. **Officers inferior to Subordinate Magistrate of the 1st class not to pass sentence of whipping unless expressly empowered by Government.**

58. In every case in which a sentence of transportation is passed, the offender, until he is transported, shall be dealt with in the same manner as if sentenced to rigorous imprisonment, and shall be held to have been undergoing his sentence of transportation during the term of his imprisonment.

IX. When the punishment of whipping is awarded in addition to imprisonment, by a Court whose sentence is open to revision by a superior Court, the whipping shall not be inflicted until fifteen days from the date of such sentence, or if an appeal be made within that time, until the sentence is confirmed by the superior Court: but the whipping shall be inflicted immediately on the expiry of the fifteen days, or, in case of an appeal, immediately on the receipt of the order of the Court confirming the sentence, if such order shall not be received within the fifteen days.

X. In the case of an adult, the punishment of whipping shall be inflicted with such instrument in such mode and on such part of the person as the Local Government shall direct, and in the case of a juvenile offender, it shall be inflicted in the way of school discipline with a light rattan. In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed one hundred and fifty lashes, or if the rattan be employed shall the punishment exceed thirty stripes. The punishment shall be inflicted in the presence of a Justice of the Peace, or of an officer authorized to exercise any of the powers of a Magistrate, and also, unless the Court which passed the sentence shall otherwise order, in the presence of a Medical Officer.

XI. No sentence of whipping shall be carried into execution unless a Medical Officer, if present, certifies, or unless it appears to the Justice of the Peace or other officer present, that the offender is in a fit state of health to undergo the punishment; and if during the

Punishment not to be inflicted if offender not in fit state of health.

59. In every case in which an offender is punishable with imprisonment for a term of seven years or upwards, it shall be competent to the Court which sentences such offender, instead of awarding sentence of imprisonment, to sentence the offender to transportation for a term not less than seven years, and not exceeding the term for which by this Code such offender is liable to imprisonment.

60. In every case in which an offender is punishable with imprisonment which may be of either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

61. In every case in which a person is convicted of execution of a sentence of whipping, a Medical Officer certifies, or it appears to the officer present, that the offender is not in a fit state of health to undergo the remainder of the punishment, execution shall be stayed. No sentence of whipping shall be executed by instalments.

XII. In any case in which, under the last preceding section of this Act, no part of a sentence of whipping is carried into execution, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either order the discharge of the offender, or sentence him in lieu of whipping to imprisonment for any period, which may be in addition to any other punishment to which he may have been sentenced for the same offence; provided that the whole period of imprisonment shall not exceed that to which the offender is liable under the provisions of the Indian Penal Code, or that which the said Court is competent to award.

Sentence of forfeiture of property. an offence for which he is liable to forfeiture of all his property, the offender shall be incapable of acquiring any property, except for the benefit of Government, until he shall have undergone the punishment awarded, or the punishment to which it shall have been commuted, or until he shall have been pardoned.

Illustration.

A, being convicted of waging war against the Government of India, is liable to forfeiture of all his property. After the sentence, and whilst the same is in force, A's father dies, leaving an estate which, but for the forfeiture, would become the property of A. The estate becomes the property of Government.

62. Whenever any person is convicted of an offence punishable with death, the Court may adjudge that all his property, moveable and immoveable, shall be forfeited to Government; and whenever any person shall be convicted of any offence for which he shall be transported, or sentenced to imprisonment for a term of seven years or upwards, the Court may adjudge that the rents and profits of all his moveable and immoveable estate during the period of his transportation or imprisonment shall be forfeited to Government, subject to such provision for his family and dependants as the Government may think fit to allow during such period.

63. Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive.

Sentence of imprisonment in default of payment of fine. **64.** *In every case of an offence punishable with imprisonment as well as fine in which the offender is sentenced to a fine, whether with or without imprisonment,

* See Sec. 2 Act No. VIII of 1882.

and in every case of an offence punishable * with imprisonment or fine, or with fine only, in which the offender is sentenced to a fine, it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced, or to which he may be liable under a commutation of a sentence.

Limit of term of imprisonment for default in payment of fine, when the offence is punishable with imprisonment as well as fine.

65. The term for which the Court directs the offender to be imprisoned in default of payment of a fine, shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

66. The imprisonment which the Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence.

67. If the offence is punishable with fine only, † the imprisonment which the Court imposes in default of payment of the fine shall be simple, and the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not exceeding two months when the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case.

Term of imprisonment for default in payment of fine, when the offence is punishable with fine only.

Such imprisonment to terminate upon payment of the fine.

68. The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law.

* See Sec. 21 Act No. X of 1886.

† See Sec. 3 Act No. VIII of 1882.

69. If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment, is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Termination of such imprisonment upon payment of proportional part of fine.

Illustration.

A is sentenced to a fine of one hundred Rupees, and to four months' imprisonment in default of payment. Here, if seventy-five Rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seventy-five Rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If fifty Rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be discharged as soon as the two months are completed. If fifty Rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

70. The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period ; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.

Fine may be levied within six years, or at any time during the term of imprisonment.

Death of offender not to discharge his property from liability.

71. Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the punishment of more than one of such his offences, unless it be so expressly provided.

Limit of punishment of offence which is made up of several offences.

*Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or

where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence,

the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences.

Illustrations.

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating.

(b) But if, while A is beating Z, Y interferes, and A intentionally strikes Y, here, as the blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

72. In all cases in which judgment is given that a person is guilty of one of several offences specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided if the same punishment is not provided for all.

Punishment of a person found guilty of one of several offences, the judgment stating that it is doubtful of which.

73. Whenever any person is convicted of an offence for which under this Code the Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three

Solitary confinement.

* See Sec. 4 Act No. VIII of 1882.

months in the whole, according to the following scale, that is to say—

A time not exceeding one month if the term of imprisonment shall not exceed six months.

A time not exceeding two months if the term of imprisonment shall exceed six months and*shall not exceed one year.

A time not exceeding three months if the term of imprisonment shall exceed one year.

74. In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods, and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

75. Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII of this Code with imprisonment of either description for a term of three years or upwards, shall be guilty of any offence punishable under either of those Chapters with imprisonment of either description for a term of three years or upwards, shall be subject for every such subsequent offence to transportation for life, or to imprisonment of either description for a term which may extend to ten years.

*See Sec. 5 Act No. VIII of 1882.

†See Sec. 22 Act No. X of 1886.

CHAPTER IV.

GENERAL EXCEPTIONS.

76. Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it.

Act done by a person bound, or by mistake of fact believing himself bound, by law.

Illustrations.

(a) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence.

(b) A, an officer of a Court of Justice, being ordered by that Court to arrest Y, and, after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

77. Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

Act of Judge when acting judicially.

78. Nothing which is done in pursuance of, or which is warranted by the judgment or order of a Court of Justice, if done whilst such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.

Act done pursuant to the judgment or order of a Court of Justice.

79. Nothing is an offence which is done by any person who is justified by law, or who, by reason of a mistake of fact and not by reason of a mistake of law, in good faith believes himself to be justified by law in doing it.

Act done by a person justified or by mistake of fact believing himself justified by law.

Illustration.

A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

80. Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner, by lawful means, and with proper care and caution.

Accident in
the doing of a
lawful act.

Illustration.

A is at work with a hatchet : the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence.

81. Nothing is an offence merely by reason of its being done, with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Act likely to
cause harm, but
done without a
criminal intent,
and to prevent
other harm.

Explanation.—It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations.

(a) A, the Captain of a Steam Vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat, B, with 20 or 30 passengers on board, unless he changes the course of his vessel, and that,

by changing his course, he must incur risk of running down a boat, C, with only two passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C, and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down the boat C.

(b) A in a great fire pulls down houses in order to prevent the conflagration from spreading. He does this with the intention, in good faith, of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

82. Nothing is an offence which is done by a child under seven years of age.

Act of a child under 7 years of age.

83. Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequence of his conduct on that occasion.

Act of a child above 7 and under 12 years of age, who has not sufficient maturity of understanding.

84. Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

Act of a person of unsound mind.

85. Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law; provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

Act of a person incapable of judgment by reason of intoxication caused against his will.

86. In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

87. Nothing, which is not intended to cause death or grievous hurt, and which is not known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Illustration.

A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

88. Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Illustration.

A, a Surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under a painful

complaint, but not intending to cause Z's death, and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

89. Nothing, which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to that person : Provided—

First.—That this exception shall not extend to the intentional causing of death, or to the attempting to cause death ;

Secondly.—That this exception shall not extend to the doing of any thing which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity ;

Thirdly.—That this exception shall not extend to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity ;

Fourthly.—That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustration.

A, in good faith, for his child's benefit, without his child's consent, has his child cut for the stone by a surgeon, knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, inasmuch as his object was the cure of the child.

90. A consent is not such a consent as is intended by any section of this Code, if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception—or

Consent known to be given under fear or misconception.

If the consent is given by a person who, from unsoundness of mind or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or, unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

Consent of a child or person of unsound mind.

91. The exceptions in sections 87, 88 and 89 do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Acts which are offences independently of harm caused to the person consenting, are not within the exceptions in sections 87, 88 and 89.

Illustration.

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is an offence independently of any harm which it may cause or be intended to cause to the woman. Therefore it is not an offence "by reason of such harm;" and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

92. Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no

Act done in good faith for the benefit of a person without consent.

guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit.

Provided —

First.—That this exception shall not extend to the intentional causing of death, or the attempting to cause death ;

Secondly.—That this exception shall not extend to the doing of any thing which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity ;

Thirdly.—That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause hurt for any purpose other than the preventing of death or hurt ;

Fourthly.—That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations.

(a) Z is thrown from his horse, and is insensible. A, a Surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

(b) Z is carried off by a tiger. A fires at the tiger knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's ball gives Z a mortal wound. A has committed no offence.

(c) A, a Surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is not time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(d) A is in a house which is on fire, with Z, a child. People

below hold out a blanket. A drops the child from the house-top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Explanation.—Mere pecuniary benefit is not benefit within the meaning of sections 88, 89 and 92.

93. No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

Illustration.

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

94. Except murder and offences against the State, punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence; provided the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1.—A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation 2.—A person seized by a gang of dacoits, and forced, by threat of instant death, to do a thing which is an offence by law, for example, a smith, compelled

to take his tools and to force the door of a house for dacoits to enter and plunder it, is entitled to the benefit of this exception.

95. Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

OF THE RIGHT OF PRIVATE DEFENCE.

Nothing done in private defence is an offence.

96. Nothing is an offence which is done in the exercise of the right of private defence.

Right of private defence of the body and of property.

97. Every person has a right, subject to the restrictions contained in Section 99, to defend—

First.—His own body, and the body of any other person, against any offence affecting the human body ;

Secondly.—The property, whether moveable or immoveable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief, or criminal trespass, or which is an attempt to commit theft, robbery, mischief, or criminal trespass.

98. When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind, or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Right of private defence against the act of a person of unsound mind, &c.

Illustrations.

(a) Z, under the influence of madness, attempts to kill A ;

Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were not acting under that misconception.

99. *First.*—There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

Acts against which there is no right of private defence.

Second.—There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law.

Third.—There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

Fourth.—The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Extent to which the right may be exercised.

Explanation 1.—A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless he knows, or has reason to believe, that the person doing the act is such public servant.

Explanation 2.—A person is not deprived of the right of private defence against an act done, or attempted to be

done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction ; or unless such person states the authority under which he acts, or, if he has authority in writing, unless he produces such authority, if demanded.

100. The right of private defence of the body extends, under the restrictions mentioned in the last preceding section, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely—

When the right of private defence of the body extends to causing death.

First.—Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault ;

Secondly.—Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault ;

Thirdly.—An assault with the intention of committing rape ;

Fourthly.—An assault with the intention of gratifying unnatural lust ;

Fifthly.—An assault with the intention of kidnapping or abducting ;

Sixthly.—An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

101. If the offence be not of any of the descriptions enumerated in the last preceding section, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in section

When such right extends to causing any harm other than death.

99, to the voluntary causing to the assailant of any harm other than death.

102. The right of private defence of the body commences as soon as reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence, though the offence may not have been committed ; and it continues as long as such apprehension of danger to the body continues.

Commencement and continuance of the right of private defence of the body.

103. The right of private defence of property extends, under the restrictions mentioned in section 99, to the voluntary causing of death or of any other harm to the wrong-doer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely—

When the right of private defence of property extends to causing death.

First.—Robbery ;

Secondly.—House-breaking by night ;

Thirdly.—Mischief by fire committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or as a place for the custody of property ;

Fourthly.—Theft, mischief, or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

104. If the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions enumerated in the last preceding section, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions

When such right extends to causing any harm other than death.

mentioned in section 99, to the voluntary causing to the wrong-doer of any harm other than death.

Commencement
and continuance
of the right of
private defence
of property.

105. *First.*—The right of private defence of property commences when a reasonable apprehension of danger to the property commences.

Second.—The right of private defence of property against theft continues till the offender has effected his retreat with the property or the assistance of the public authorities is obtained, or the property has been recovered.

Third.—The right of private defence of property against robbery continues as long as the offender causes or attempts to cause to any person death or hurt or wrongful restraint, or as long as the fear of instant death or of instant hurt or of instant personal restraint continues.

Fourth.—The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief.

Fifth.—The right of private defence of property against house-breaking by night continues as long as the house-trespass which has been begun by such house-breaking continues.

106. If, in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Right of private defence against a deadly assault when there is risk of harm to an innocent person.

Illustration.

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence

without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

CHAPTER V.

OF ABETMENT.

Abetment of a thing. 107. A person abets the doing of a thing, who—

First.—Instigates any person to do that thing ; or,

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing ; or,

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration.

A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here, B abets by instigation the apprehension of C.

Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

108. A person abets an offence who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Explanation 1.—The abetment of the illegal omission of an act may amount to an offence although the abettor may not himself be bound to do that act.

Explanation 2.—To constitute the offence of abetment, it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

Illustrations.

(a) A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.

(b) A instigates B to murder D. B, in pursuance of the instigation, stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

Explanation 3.—It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

Illustrations.

(a) A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(b) A, with the intention of murdering Z, instigates B, child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be

† punished in the same manner as if B had been capable by law of committing an offence and had committed murder, and he is therefore subject to the punishment of death.

(c) A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 4.—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration.

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 5.—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed.

Illustration.

A concerts with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C, mentioning that a third person is to administer

the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison. Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this section, and is liable to the punishment for murder.

109. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence.

Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment.

Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Illustrations.

(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B accepts the bribe. A has abetted the offence defined in section 161.

(b) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(c) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B, in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

110. Whoever abets the commission of an offence

Punishment of abetment if the person abetted does the act with a different intention from that of the abettor.

knowledge of the abettor and with no other.

shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or

111. When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it; provided the act done was a probable consequence of the abetment, and was committed under the influence of the instigation,

Liability of abettor when one act is abetted and a different act is done.

or with the aid or in pursuance of the conspiracy which constituted the abetment.

Proviso.

spiracy which constituted the abetment.

Illustrations.

(a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner, and to the same extent, as if he had instigated the child to put the poison into the food of Y.

(b) A instigates B to burn Z's house. B sets fire to the house, and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided for murder.

112. If the act for which the abettor is liable under

Abettor when
liable to cumu-
lative punish-
ment for act
abetted and for
act done.

the last preceding section is committed in addition to the act abetted, and constitutes a distinct offence, the abettor is liable to punishment for each of the offences.

Illustration.

A instigates B to resist by force a distress made by a public servant. B, in consequence, resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, B is liable to punishment for both these offences; and if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to punishment for each of the offences.

113. When an act is abetted with the intention on the part of the abettor of causing a particular effect, and an act for which the abettor is liable in consequence of the abetment causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

Illustration.

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if A knew that the grievous hurt abetted was likely to cause death, A is liable to be punished with the punishment provided for murder.

114. Whenever any person who, if absent, would be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

115. Whoever abets the commission of an offence punishable with death or transportation for life, shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be

Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.

fine; and if

If an act which causes harm be done in consequence of the abetment.

liable to fine

Illustration.

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or transportation for life. Therefore A is liable to imprisonment for a term which may extend to seven years, and also to a fine; and if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

116. Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of any description provided for that offence, for a term which may extend to one-fourth part of the longest term provided for that offence; or with such fine as is provided for that offence, or with both; and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such

Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.

fourth part of the longest term provided for that offence; or with such fine as is provided for that offence, or with

If the abettor or the person abetted be a

committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of any description provided for that offence, for a term which may extend to one-fourth part of the longest term provided for that offence; or with such fine as is provided for that offence, or with both; and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such

public servant
whose duty it is
to prevent the
offence.

offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations.

(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B refuses to accept the bribe. A is punishable under this section.

(b) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this section, and is punishable accordingly.

(c) A, a Police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(d) B abets the commission of a robbery by A, a Police officer, whose duty it is to prevent that offence. Here, though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

117. Whoever abets the commission of an offence by the public generally, or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Abetting the
commission of
an offence by
the public, or by
more than ten
persons.

Illustration.

A affixes in a public place a placard, instigating a sect consisting of more than ten members to meet at a certain time and place for the purpose of attacking the members of an adverse sect while engaged in a procession. A has committed the offence defined in this section.

118. Whoever, intending to facilitate, or knowing it to be likely that he will thereby facilitate, the commission of an offence punishable with death or transportation for life, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years, or, if the offence be not committed, with imprisonment of either description for a term which may extend to three years : and in either case shall also be liable to fine.

Concealing a design to commit an offence punishable with death or transportation for life—

If the offence be committed,

If the offence be not committed.

Illustration.

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate with intent to facilitate the commission of the offence. The dacoity is committed at B in pursuance of the design. A is punishable under this section.

119. Whoever, being a public servant, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence the commission of which it is his duty as such public servant to prevent, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both ; or, if the offence be punishable with death or transportation for life, with imprisonment of either description for a term

A public servant concealing a design to commit an offence which it is his duty to prevent—

If the offence be committed,

or with such

If the offence be punishable with death, &c.

which may extend to ten years ; or, if the offence be not committed, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one-fourth part of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

If the offence be not committed.

description provided for the offence, for a term which may extend to one-fourth part of the longest term of such imprisonment,

or with such fine as is provided for the offence, or with both.

Illustration.

A, an officer of Police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information, with intent to facilitate the commission of that offence. Here A has by an illegal omission concealed the existence of B's design, and is liable to punishment according to the provision of this section.

120. Whoever, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if the offence be committed, be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth, and, if the offence be not committed, to one-eighth of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

Concealing a design to commit an offence punishable with imprisonment—

If the offence be committed.

If not committed.

CHAPTER VI.

OF OFFENCES AGAINST THE STATE.

121. Whoever wages war against the Queen, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or transportation for life, and shall forfeit all his property.

Waging, or attempting to wage war, or abetting the waging of war against the Queen.

Illustrations.

(a) A joins an insurrection against the Queen. A has committed the offence defined in this section.

(b) A in India abets an insurrection against the Queen's Government of Ceylon by sending arms to the insurgents. A is guilty of abetting the waging of war against the Queen.

121A. Whoever within or without British India conspires to commit any of the offences punishable by section one hundred and twenty-one, or to deprive the Queen of the sovereignty of British India or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Government of India or any Local Government, shall be punished with transportation for life or any shorter term, or with imprisonment of either description which may extend to ten years.

Explanation.—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.

122. Whoever collects men, arms, or ammunition, or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against the Queen, shall be punished with transportation for life or imprisonment of either description for a term not exceeding ten years, and shall forfeit all his property.

123. Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the Queen, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

124. Whoever, with the intention of inducing or compelling the Governor-General of India, or the Governor of any Presidency, or a Lieutenant-Governor, or a Member of the Council of the Governor-General of India, or of the Council of any Presidency, to exercise or refrain from exercising in any manner any of the lawful powers of such Governor-General, Governor, Lieutenant-Governor, or Member of Council, assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes, by means of criminal force or the show of criminal force, or attempts so to overawe, such Governor-General, Governor, Lieutenant-Governor, or Member of Council, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

124A. Whoever by words, either spoken or intended to be read, or by signs, or by visible representation or otherwise, excites or attempts to excite feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

Explanation.—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore, the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause.

125. Whoever wages war against the Government of any Asiatic power in alliance or at peace with the Queen, or attempts to wage such war, or abets the waging of such war,

Assaulting Governor-General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.
Exciting disaffection.
Waging war against any Asiatic power in

alliance with the Queen. shall be punished with transportation for life, to which fine may be added, or with imprisonment of either description for a term which may extend to seven years, to which fine may be added, or with fine.

126. Whoever commits depredation, or makes preparations to commit depredation, on the territories of any power in alliance or at peace with the Queen, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used, or intended to be used, in committing such depredation, or acquired by such depredation.

127. Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in sections 125 and 126, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of the property so received.

128. Whoever, being a public servant, and having the custody of any State Prisoner or Prisoner of War, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

129. Whoever, being a public servant, and having the custody of any State Prisoner or Prisoner of War, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

130. Whoever knowingly aids or assists any State Prisoner or Prisoner of War in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the re-capture of such prisoner, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation.—A State Prisoner or Prisoner of War who is permitted to be at large on his parole within certain limits in British India, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

CHAPTER VII.

OF OFFENCES RELATING TO THE ARMY AND NAVY.

131. Whoever abets the committing of mutiny by an officer, soldier or sailor in the Army or Navy of the Queen, or attempts to seduce any such officer, soldier or sailor from his allegiance or his duty, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation.—In this section the words ‘officer’ and ‘soldier’ include any person subject to the Articles of War for the better government of Her Majesty’s Army, or to the Articles of War contained in Act No. V of 1869.

132. Whoever abets the committing of mutiny by an officer, soldier or sailor in the Army or Navy of the Queen, shall, if mutiny be committed in consequence of that

Abetment of mutiny, if mutiny is committed

in consequence thereof. abetment, be punished with death or with transportation for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

133. Whoever abets an assault by an officer, soldier or sailor in the Army or Navy of the Queen, on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Abetment of an assault by a soldier or sailor on his superior officer, when in the execution of his office.

134. Whoever abets an assault by an officer, soldier or sailor in the Army or Navy of the Queen, on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Abetment of such assault, if the assault is committed.

135. Whoever abets the desertion of any officer, soldier or sailor in the Army or Navy of the Queen, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Abetment of the desertion of a soldier or sailor.

136. Whoever, except as hereinafter excepted, knowing or having reason to believe that an deserter. officer, soldier or sailor in the Army or Navy of the Queen has deserted, harbours such officer, soldier or sailor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Exception.—This provision does not extend to the case in which the harbour is given by a wife to her husband.

137. The master or person in charge of a merchant

R

Deserter concealed on board merchant vessel through negligence of master.

vessel, on board of which any deserter from the Army or Navy of the Queen is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding five hundred rupees, if he might have known of such concealment, but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

138. Whoever abets what he knows to be an act of insubordination by an officer, soldier or sailor in the Army or Navy of the Queen, shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

* 138A. The foregoing sections of this chapter shall apply as if Her Majesty's Indian Marine Service were comprised in the Navy of the Queen.

139. No person subject to any Articles of War for the Army or Navy of the Queen, or for any part of such Army or Navy, is subject to punishment under this Code for any of the offences defined in this chapter.

140. Whoever, not being a soldier in the Military or Naval service of the Queen, wears any dress of a soldier, or carries any token resembling any garb or token used by such a soldier, with the intention that it may be believed that he is such a soldier, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

CHAPTER VIII.

OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

141. An assembly of five or more persons is designated an "unlawful assembly," if the common object of the persons composing that assembly, is—

* See Act No. XIV of 1887.

First.—To overawe by criminal force, or show of criminal force, the Legislative or Executive Government of India, or the Government of any Presidency, or any Lieutenant-Governor, or any Public Servant in the exercise of the lawful power of such Public Servant ; or

Second.—To resist the execution of any law, or of any legal process ; or

Third.—To commit any mischief or criminal trespass, or other offence ; or

Fourth.—By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right ; or

Fifth.—By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation.—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

142. Whoever, being aware of facts which render
 Being a member of an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

143. Whoever is a member of an unlawful assembly,
 shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

144. Whoever, being armed with any deadly weapon,
 or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either

Joining an unlawful assembly armed with any deadly weapon.

description for a term which may extend to two years, or with fine, or with both.

145. Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.

146. Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

Force used by one member in prosecution of common object.

147. Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment for rioting.

148. Whoever is guilty of rioting, being armed with a deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Rioting, armed with a deadly weapon.

149. If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

Every member of an unlawful assembly to be deemed guilty of any offence committed in prosecution of common object.

150. Whoever hires, or engages or employs, or promotes or connives at the hiring, engagement, or employment of any person to join or become a member of any unlawful

Hiring, or conniving at hiring of persons to join

an unlawful assembly, shall be punishable as a member of such unlawful assembly, and for any offence which may be committed by any such person as a member of such unlawful assembly, in pursuance of such hiring, engagement, or employment, in the same manner as if he had been a member of such unlawful assembly, or himself had committed such offence.

151. Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.

Explanation.—If the assembly is an unlawful assembly within the meaning of section 141, the offender will be punishable under section 145.

152. Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, or uses, or threatens or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Assaulting or obstructing public servant when suppressing riot, &c.

153. Whoever maliciously or wantonly, by doing anything which is illegal, gives provocation to any person, intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend

Wantonly giving provocation, with intent to cause riot—

If rioting be committed.

to one year, or with fine, or with both ; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

If not committed.

154. Whenever any unlawful assembly or riot takes place, the owner or occupier of the land upon such which unlawful assembly is held or such riot is committed, and any person having or claiming an interest in such land, shall be punishable with fine not exceeding one thousand rupees, if he or his agent or manager, knowing that such offence is being or has been committed, or having reason to believe it is likely to be committed, do not give the earliest notice thereof in his or their power to the principal officer at the nearest Police station, and do not, in the case of his or their having reason to believe that it was about to be committed, use all lawful means in his or their power to prevent it, and in the event of its taking place, do not use all lawful means in his or their power to disperse or suppress the riot or unlawful assembly.

Owner or occupier of land on which an unlawful assembly is held.

155. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place and for suppressing and dispersing the same.

Liability of person for whose benefit a riot is committed.

156. Whenever a riot is committed for the benefit

Liability of agent of owner or occupier for whose benefit a riot is committed. or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent or manager of such person shall be punishable with fine, if such agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place and for suppressing and dispersing the same.

157. Whoever harbours, receives, or assembles in any house or premises in his occupation or charge, or under his control, any persons, knowing that such persons have been hired, engaged or employed, or are about to be hired, engaged or employed, to join or become members of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Harbouring persons hired for an unlawful assembly.

158. Whoever is engaged or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in section 141, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both; and whoever, being so engaged or hired as aforesaid, goes armed, or engages or offers to go armed, with any deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Being hired to take part in an unlawful assembly or riot.

Or to go armed.

159. When two or more persons, by fighting, in a public place, disturb the public peace, they are said to "commit an affray."

Affray.

160. Whoever commits an affray shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.
- Punishment for committing affray.

CHAPTER IX.

OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS.*

161. Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Legislative or Executive Government of India, or with the Government of any Presidency, or with any Lieutenant Governor, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.
- Public servant taking a gratification other than legal remuneration in respect of an official act.

Explanation.—"Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this section.

"Gratification." The word "gratification" is not restricted to pecuniary gratifications, or to gratifications estimable in money.

* See foot note on next page.

“Legal remuneration.” The words “legal remuneration” are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government which he serves to accept.

“A motive or reward for doing.” A person who receives a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, comes within these words.

* ACT No. XXXI OF 1867.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 26th June 1867.)

An Act to render penal certain offences committed by servants of Railway Companies.

Whereas it is expedient to extend certain provisions of the Indian Penal Code relating to public servants to persons in the employment of Railway Companies; It is hereby enacted as follows:—

1. In this Act “Railway Company” means the proprietors for the time being of every railway or tramway situate in the territories vested in Her Majesty or Her Successors under the Statute 21 & 22 Vic., cap. 106 (*An Act for the better Government of India*), or (so far only as regards British subjects within the dominions hereinafter mentioned) situate in the dominions of Princes and States in the East Indies in alliance with Her Majesty or Her Successors, and the lessees, representatives and assigns of such proprietors.

2. Every officer and servant of a Railway Company shall be deemed a “public servant” within the meaning of sections one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-three, one hundred and sixty-four and one hundred and sixty-five of the Indian Penal Code.

*Interpretation-
clause.*
Railway officers and servants to be “public servants” within meaning of Penal Code.

Illustrations.

(a) A, a munsif, obtains from Z, a banker, a situation in Z's bank for A's brother, as a reward to A for deciding a cause in favour of Z. A has committed the offence defined in this section.

(b) A, holding the office of Resident at the Court of a subsidiary power, accepts a lakh of rupees from the Minister of that power. It does not appear that A accepted this sum as a motive or reward for doing or forbearing to do any particular official act, or for rendering or attempting to render any particular service to that power with the British Government. But it does appear that A accepted the sum as a motive or reward for generally showing favour in the exercise of his official functions to that power. A has committed the offence defined in this section.

(c) A, a public servant, induces Z erroneously to believe that A's influence with the Government has obtained a title for Z, and thus induces Z to give A money as a reward for this service. A has committed the offence defined in this section.

162. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Legislative or Executive Government of India, or

3. In the definition of legal remuneration contained in the said section one hundred and sixty-one, "Government" the word "Government" shall, for the purposes of this Act, be deemed to include a Railway Company.

4. This Act shall be called "The Railway Servants' Act, 1867."

Short title.

with the Government of any Presidency, or with any Lieutenant-Governor, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

163. Whoever accepts or obtains, or agrees to accept

Taking a gratification for the exercise of personal influence with a public servant.

or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to

do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Legislative or Executive Government of India, or with the Government of any Presidency, or with any Lieutenant-Governor, or with any public servant, as such, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustrations.

An advocate who receives a fee for arguing a case before a Judge ; a person who receives pay for arranging and correcting a memorial addressed to Government, setting forth the services and claims of the memorialist ; a paid agent for a condemned criminal, who lays before the Government statements tending to show that the condemnation was unjust—are not within this section, inasmuch as they do not exercise or profess to exercise personal influence.

164. Whoever, being a public servant, in respect of

Punishment for abetment by public servant of the offences above defined.

whom either of the offences defined in the last two preceding sections is committed, abets the offence, shall be punished with imprisonment of either description

for a term which may extend to three years, or with fine, or with both.

Illustration.

A is a public servant. B, A's wife, receives a present as a

motive for soliciting A to give an office to a particular person. A abets her doing so. B is punishable with imprisonment for a term not exceeding one year, or with fine, or with both. A is punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

165. Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any valuable thing, without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted, or about to be transacted by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.

Illustrations.

(a) A, a Collector, hires a house of Z, who has a settlement case pending before him. It is agreed that A shall pay fifty rupees a month, the house being such that, if the bargain were made in good faith, A would be required to pay two hundred rupees a month. A has obtained a valuable thing from Z without adequate consideration.

(b) A, a Judge, buys of Z, who has a cause pending in A's Court, Government Promissory Notes at a discount, when they are selling in the market at a premium. A has obtained a valuable thing from Z without adequate consideration.

(c) Z's brother is apprehended and taken before A, a Magistrate, on a charge of perjury. A sells to Z shares in a bank at a premium, when they are selling in the market at a discount. Z pays A for the shares accordingly. The money so obtained by A is a valuable thing obtained by him without adequate consideration.

166. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustration.

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favour by a Court of Justice, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.

167. Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document, frames or translates that document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

168. Whoever, being a public servant, and being legally bound as such public servant not to engage in trade, engages in trade, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

169. Whoever, being a public servant, and being legally bound, as such public servant, not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly or in shares with others, shall be

punished with simple imprisonment for a term which may extend to two years, or with fine, or with both; and the property, if purchased, shall be confiscated.

170. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office, or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

171. Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

CHAPTER X.

OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172. Whoever absconds in order to avoid being served with a summons, notice, or order proceeding from any public servant, legally competent, as such public servant, to issue such summons, notice or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both; or, if the summons, notice or order is to attend in person or by agent, or to produce a document

in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

173. Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, or intentionally prevents the lawful affixing to any place of any such summons, notice or order, or intentionally removes any such summons, notice or order from any place to which it is lawfully affixed, or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both; or, if the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

174. Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both; or, if the summons, notice, order or proclamation is to

attend in person or by agent in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Illustrations.

(a) A, being legally bound to appear before the Supreme Court at Calcutta, in obedience to a subpoena issuing from that Court, intentionally omits to appear. A has committed the offence defined in this section.

(b) A, being legally bound to appear before a Zila Judge, as a witness, in obedience to a summons issued by that Zila Judge, intentionally omits to appear. A has committed the offence defined in this section.

175. Whoever, being legally bound to produce or deliver up any document to any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both; or, if the document is to be produced or delivered up to a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Omission to produce a document to a public servant by a person legally bound to produce such document.

Illustration.

A, being legally bound to produce a document before a Zila Court, intentionally omits to produce the same. A has committed the offence defined in this section.

176. Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to

Omission to give notice or information to a public servant by a person legally bound to give notice or information.

one month, or with fine which may extend to five hundred rupees, or with both ; or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

177. Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both ; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations.

(a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the District that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.

(b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighbouring place, and being bound, under clause 5, section VII, Regulation III, 1821, of the Bengal Code, to give early and punctual information of the above fact to the officer of the nearest Police station, wilfully misinforms the Police officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in a different

direction. Here A is guilty of the offence defined in this section.

178. Whoever refuses to bind himself by an oath (*or affirmation) to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Refusing oath or affirmation when duly required to take it by a public servant.

179. Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant, in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Refusing to answer a public servant authorized to question.

180. Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Refusing to sign statement.

181. Whoever, being legally bound by an oath (*or affirmation) to state the truth on any subject to any public servant or other person authorized by law to administer such oath, (*or affirmation), makes to such public servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

False statement on oath or affirmation to public servant or person authorized to administer it.

* See Sec. 15, Act No. X of 1873.

182. Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause such public servant to use the lawful power of such public servant to the injury or annoyance of any person, or to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Illustrations.

(a) A informs a Magistrate that Z, a Police Officer subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.

(b) A falsely informs a public servant that Z has contraband salt in a secret place, knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this section.

183. Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

184. Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant as such,

offered for sale
by authority of
a public servant.

shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

185. Whoever, at any sale of property held by the lawful authority of a public servant as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

186. Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

187. Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally emits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both; and if such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of Justice, or of preventing the commission of an offence, or of suppressing a riot or affray, or of apprehending a person charged with or guilty of an offence or of having escaped from lawful custody, shall be punished with simple

imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

188. Whoever, knowing that by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health, or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce harm.

Illustration.

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

189. Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing

that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

190. Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application, for protection against any injury, to any public servant legally empowered as such to give such protection or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Threat of injury to induce any person to refrain from applying for protection to a public servant.

person for the purpose of inducing that person to refrain or desist from making a legal application, for protection against any injury, to any public servant legally empowered as such to give such protection

or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

CHAPTER XI.

OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

191. Whoever, being legally bound by an oath, or by any express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

Explanation 1.—A statement is within the meaning of this section, whether it is made verbally or otherwise.

Explanation 2.—A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

Illustrations.

(a) A, in support of a just claim which B has against Z for one thousand rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.

(b) A, being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

(c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.

(d) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing anything upon the subject. A gives false evidence whether Z was at that place on the day named, or not.

(e) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or document which he is bound by oath to interpret or translate truly that which is not and which he does not believe to be a true interpretation or translation. A has given false evidence.

192. Whoever causes any circumstance to exist, or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry, or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstances, false entry, or false statement, so appearing in evidence, may cause any person, who in such

Fabricating
false evidence.

proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to fabricate false evidence."

Illustrations.

(a) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.

(b) A makes a false entry in his shop-book for the purpose of using it as corroborative evidence in a Court of Justice. A has fabricated false evidence.

(c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the Police are likely to search. A has fabricated false evidence.

193. Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1.—A trial before a Court Martial or before a Military Court of Request is a judicial proceeding.

Explanation 2.—An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration.

A, in an enquiry before a Magistrate for the purpose of ascertaining whether Z ought to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Explanation 3.—An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration.

A, in an enquiry before an officer deputed by a Court of Justice to ascertain on the spot the boundaries of land, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

194. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by this Code or the law of England, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and if an innocent person be convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.

195. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause any person to be convicted of an offence which by this Code or the law of England is not capital, but punishable with

punishable with transportation or imprisonment, transportation for life, or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Illustration.

A gives false evidence before a Court of Justice, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is transportation for life, or rigorous imprisonment for a term which may extend to ten years, with or without fine. A, therefore, is liable to such transportation or imprisonment, with or without fine.

196. Whoever corruptly uses or attempts to use as true or genuine evidence any evidence
 Using evidence known to be false. which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

197. Whoever issues or signs any certificate required by law to be given or signed, or relating
 Issuing or signing a false certificate. to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

198. Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing
 Using as a true certificate one known to be false in a material point. the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

199. Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorized by law to receive as evidence of any fact, makes
 False statement made in any declaration which is by law receivable as evidence. any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used,

shall be punished in the same manner as if he gave false evidence.

200. Whoever corruptly uses or attempts to use as true any such declaration knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as true any such declaration known to be false.

Explanation.—A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of sections 199 and 200.

201. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with transportation for life or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender—

If a capital offence.

be liable to

If punishable with transportation.

If punishable with less than ten years' imprisonment.

Illustration.

A, knowing that B has murdered Z, assists B to hide the

body with the intention of screening B from punishment. A. is liable to imprisonment of either description for seven years, and also to fine.

202. Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Intentional omission to give information of an offence, by a person bound to inform.

203. Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Giving false information respecting an offence committed.

204. Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant as such, or obliterates or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Destruction of document to prevent its production as evidence.

205. Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued, or becomes bail or security, or does any other act in any suit or criminal prosecution,

False personation for the purpose of any act or proceeding in a suit.

shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

206. Whoever fraudulently removes, conceals, transfers or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture, or in satisfaction of a fine, under a sentence which has been pronounced or which he knows to be likely to be pronounced by a Court of Justice or other competent authority, or from being taken in execution of a decree or order which has been made or which he knows to be likely to be made by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

207. Whoever fraudulently accepts, receives, or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practises any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced or which he knows to be likely to be pronounced by a Court of Justice or other competent authority, or from being taken in execution of a decree or order which has been made or which he knows to be likely to be made by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

208. Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due, or for a larger sum than is due to such person, or for any property or interest in

Fraudulently
suffering a de-
cree for a sum
not due.

property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustration.

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this section.

209. Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a Court of Justice any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Dishonestly making false claim in a Court of Justice.

210. Whoever fraudulently obtains a decree or order against any person for a sum not due, or for a larger sum than is due, or for any property or interest in property to which he is not entitled, or fraudulently causes a decree or order to be executed against any person after it has been satisfied, or for anything in respect of which it has been satisfied, or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Fraudulently obtaining a decree for a sum not due.

211. Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence,

False charge of offence made with intent to injure.

knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and if such criminal proceeding be instituted on a false charge of an offence punishable with death, transportation for life, or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

212. Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment, shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if the offence is punishable with transportation for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment which may extend to one year and not to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Exception.—This provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender.

Illustration.

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here, as B is liable to transportation for life, A is liable

to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

213. Whoever accepts, or attempts to obtain, or agrees to accept any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with transportation for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Taking gift, &c., to screen an offender from punishment—

If a capital offence,

If punishable with transportation for life, or with imprisonment.

214. Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or to restore or cause the restitution of any property to any person, in consideration of that person's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if

Offering gift or restoration of property in consideration of screening offender—

If a capital offence,

If punishable with transportation for life, or with imprisonment.

the offence is punishable with transportation for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three

years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Exception.—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded.

Illustrations :—Repealed by Schedule I, Act X of 1882.

215. Whoever takes or agrees or consents to take any gratification under pretence or on account of helping any person to recover any moveable property of which he shall have been deprived by any offence punishable under this Code, shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

216. Whenever any person convicted of or charged with an offence, being in lawful custody for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following, that is to say, if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he

R

shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; if the offence is punishable with transportation for life, or imprisonment for ten years, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine; and if the offence is punishable with imprisonment which may extend to one year and not to ten years, he shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence, or with fine, or with both.

“Offence” in this section includes also any act or omission of which a person is alleged to have been guilty out of British India which, if he had been guilty of it in British India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India; and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in British India.

Exception.—This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

217. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save or knowing it to be likely that he will thereby save any person from legal punishment, or subject him to a less punishment than that to which he is

Public servant
disobeying a
direction of law
with intent to
save person from
punishment or
property from
forfeiture.

* See Sec. 23 Act No. X of 1886.

liable, or with intent to save or knowing that he is likely thereby to save any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

218. Whoever, being a public servant, and being, as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause or knowing it to be likely that he will thereby cause loss or injury to the public or to any person, or with intent thereby to save or knowing it to be likely that he will thereby save any person from legal punishment, or with intent to save or knowing that he is likely thereby to save any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

219. Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

220. Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, corruptly or maliciously, commits any person for trial or to confinement, or keeps any person in confinement, in the exercise of that authority, knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

R

221. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say :—

Intentional omission to apprehend on the part of a public servant bound by law to apprehend.

Punishment.

With imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement or who ought to have been apprehended was charged with, or liable to be apprehended for, an offence punishable with death ; or

With imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement or who ought to have been apprehended was charged with or liable to be apprehended for an offence punishable with transportation for life or imprisonment for a term which may extend to ten years ; or

With imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement or who ought to have been apprehended was charged with or liable to be apprehended for an offence punishable with imprisonment for a term less than ten years.

222. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person under sentence of a Court of Justice for any offence or lawfully committed to custody, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say :—

Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence or lawfully committed.

Punishment.

With transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement or who ought to have been apprehended is under sentence of death ; or

With imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement or who ought to have been apprehended is subject, by a sentence of a Court of Justice, or by virtue of a commutation of such sentence, to transportation for life or penal servitude for life, or to transportation or penal servitude or imprisonment for a term of ten years or upwards ; or

With imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement or who ought to have been apprehended is subject, by a sentence of a Court of Justice, to imprisonment for a term not extending to ten years, or if the person was lawfully committed to custody. .

223. Whoever, being a public servant legally bound
Escape from confinement or custody negligently suffered by a public servant. as such public servant to keep in confinement any person charged with or convicted of any offence or lawfully committed to custody, negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

224. Whoever intentionally offers any resistance or
Resistance or obstruction by a person to his lawful apprehension. illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

R

Explanation.—The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

225. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both ;

Resistance or obstruction to the lawful apprehension of another person.

Punishment.

Or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with transportation for life or imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine ;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is liable under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to transportation for life or to transportation, penal servitude, or imprisonment, for a term of ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with transportation for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine,

*** 225A.** Whoever, being a public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in section 221, section 222 or section 223, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished—

(a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and

(b) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

*** 225B.** Whoever, in any case not provided for in section 224 or section 225 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

226. Whoever, having been lawfully transported, returns from such transportation, the term of such transportation not having expired, and his punishment not having been remitted, shall be punished with transportation for life, and shall also be liable to fine, and to be imprisoned with rigorous imprisonment for a term not exceeding three years before he is so transported.

227. Whoever, having accepted any conditional remission of punishment, knowingly violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally

*See Section 24 Act No. X of 1886.

sentenced if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

228. Whoever intentionally offers any insult or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

229. Whoever, by personation or otherwise, shall intentionally cause or knowingly suffer himself to be returned, empanelled, or sworn as a juror or assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled, or sworn, or knowing himself to have been so returned, empanelled or sworn contrary to law, shall voluntarily serve on such jury or as such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

CHAPTER XII.

OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

'Coin' defined. 230.* Coin is metal used for the time being as money, and stamped and issued by the authority of some State or Sovereign Power in order to be so used.

Coin stamped and issued by the authority of the Queen's coin. Queen, or by the authority of the Government of India or of the Government of any Presidency, or of any Government in the Queen's dominions, is the Queen's coin.

Illustrations

- (a) Cowries are not coin.
- (b) Lumps of unstamped copper, though used as money, are not coin.
- (c) Medals are not coin, inasmuch as they are not intended to be used as money.

* See Act XIX of 1872.

(d) The coin denominated as the Company's rupee is the Queen's coin.

231. Whoever counterfeits or knowingly performs any part of the process of counterfeiting
 Counterfeiting coin. coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation.—A person commits this offence, who, intending to practise deception, or knowing it to be likely that deception will thereby be practised, causes a genuine coin to appear like a different coin.

232. Whoever counterfeits or knowingly performs any part of the process of counterfeiting
 Counterfeiting the Queen's coin. the Queen's coin, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

233. Whoever makes or mends, or performs any part of the process of making or mending, or
 Making or selling instrument for counterfeiting coin. buys, sells, or disposes of any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

234. Whoever makes or mends, or performs any part of the process of making or mending, or
 Making or selling instrument for counterfeiting Queen's coin. buys, sells, or disposes of any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting the Queen's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

235. Whoever is in possession of any instrument or material for the purpose of using the same for counterfeiting coin, or knowing or having reason to believe that the same is intended to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the coin to be counterfeited is the Queen's coin, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

236. Whoever, being within British India, abets the counterfeiting of coin out of British India, shall be punished in the same manner as if he abetted the counterfeiting of such coin within British India.

237. Whoever imports into British India, or exports therefrom, any counterfeit coin, knowing or having reason to believe that the same is counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

238. Whoever imports into British India, or exports therefrom, any counterfeit coin which he knows or has reason to believe to be a counterfeit of the Queen's coin, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

239. Whoever, having any counterfeit coin which at the time when he became possessed of it he knew to be counterfeit, fraudulently or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment

of either description for a term which may extend to five years, and shall also be liable to fine.

240. Whoever, having any counterfeit coin which is a counterfeit of the Queen's coin, and which at the time when he became possessed of it he knew to be a counterfeit of the Queen's coin, fraudulently or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

241. Whoever delivers to any person as genuine, or attempts to induce any other person to receive as genuine, any counterfeit coin which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin counterfeited, or with both.

Illustration.

A, a coiner, delivers counterfeit Company's rupees to his accomplice B, for the purpose of uttering them. B sells the rupees to C, another utterer, who buys them knowing them to be counterfeit. C pays away the rupees for goods to D, who receives them, not knowing them to be counterfeit. D, after receiving the rupees, discovers that they are counterfeit and pays them away as if they were good. Here D is punishable only under this section, but B and C are punishable under section 230 or 240 as the case may be.

242. Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin, having known at the

by a person who knew it to be counterfeit when he became possessed thereof.

time when he became possessed thereof that such coin was counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

243. Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin which is a counterfeit of the Queen's coin, having known at the time when he became possessed of it that it was counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.

244. Whoever, being employed in any mint lawfully established in British India, does any act, or omits what he is legally bound to do, with the intention of causing any coin issued from that mint to be of a different weight or composition from the weight or composition fixed by law, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Person employed in a mint causing coin to be of a different weight or composition from that fixed by law.

245. Whoever, without lawful authority, takes out of any mint lawfully established in British India, any coining tool or instrument, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Unlawfully taking from a mint any coining instrument.

246. Whoever fraudulently or dishonestly performs on any coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulently or dishonestly diminishing the weight or altering the composition of any coin.

Explanation.—A person who scoops out part of the coin and puts anything else into the cavity, alters the composition of that coin.

247. Whoever fraudulently or dishonestly performs on any of the Queen's coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Fraudulently or dishonestly diminishing the weight or altering the composition of the Queen's coin.

248. Whoever performs on any coin any operation which alters the appearance of that coin with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Altering appearance of any coin with intent that it shall pass as a coin of a different description.

249. Whoever performs on any of the Queen's coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.

250. Whoever, having coin in his possession with respect to which the offence defined in section 246 or 248 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either

Delivery to another of coin possessed with the knowledge that it is altered.

description for a term which may extend to five years, and shall also be liable to fine.

251. Whoever, having coin in his possession with respect to which the offence defined in section 247 or 249 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

252. Whoever fraudulently or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in either of the sections 246 or 248 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

253. Whoever, fraudulently or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in either of the sections 247 or 249 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

254. Whoever delivers to any other person as genuine or as a coin of a different description from what it is, or attempts to induce any person to receive as genuine or as a

Delivery of Queen's coin possessed with the knowledge that it is altered.

Possession of altered coin by a person who knew it to be altered when he became possessed thereof.

Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.

Delivery to another of coin as genuine,

which, when first possessed, the deliverer did not know to be altered.

different coin from what it is, any coin in respect of which he knows that any such operation as that mentioned in sections 246, 247, 248 or 249, has been performed, but in respect of which he did not, at the time when he took it into his possession, know that such operation had been performed, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin for which the altered coin is passed or attempted to be passed.

255. Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, Counterfeiting a Government stamp. any stamp issued by Government for the purpose of revenue, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation.—A person commits this offence who counterfeits by causing a genuine stamp of one denomination to appear like a genuine stamp of a different denomination.

256. Whoever has in his possession any instrument or material for the purpose of being used, Having possession of an instrument or material for the purpose of counterfeiting a Government stamp. or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

257. Whoever makes, or performs any part of the process of making, or buys, or sells, or disposes of, any instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for Making or selling instrument for the purpose of counterfeiting a Government stamp.

the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

258. Whoever sells, or offers for sale, any stamp which he knows or has reason to believe to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Sale of counterfeit Government stamp.

259. Whoever has in his possession any stamp which he knows to be a counterfeit of any stamp issued by Government for the purpose of revenue, intending to use or dispose of the same as a genuine stamp, or in order that it may be used as a genuine stamp, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of a counterfeit Government stamp.

260. Whoever uses as genuine any stamp, knowing it to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Using as genuine a Government stamp known to be counterfeit.

261. Whoever, fraudulently or with intent to cause loss to the Government, removes or effaces from any substance bearing any stamp issued by Government for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment of

Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it, with intent to cause loss to Government.

either description for a term which may extend to three years, or with fine, or with both.

262. Whoever, fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue, which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Using a Government stamp known to have been before used.

263. Whoever, fraudulently or with intent to cause loss to Government, erases or removes from a stamp issued by Government for the purpose of revenue, any mark put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession, or sells or disposes of, any such stamp from which such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Erasure of mark denoting that stamp has been used.

CHAPTER XIII.

OF OFFENCES RELATING TO WEIGHTS AND MEASURES.

264. Whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Fraudulent use of false instrument for weighing.

265. Whoever fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different

Fraudulent use of false weight or measure.

weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

266. Whoever is in possession of any instrument for weighing, or of any weight, or of any measure of length or capacity, which he knows to be false, and intending that the same may be fraudulently used, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Being in possession of false weights or measures.

267. Whoever makes, sells, or disposes of, any instrument for weighing, or any weight, or any measure of length or capacity which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Making or selling false weights or measures.

CHAPTER XIV.

OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

268. A person is guilty of a public nuisance, who does any act, or is guilty of an illegal omission, which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.

Public nuisance.

A common nuisance is not excused on the ground that it causes some convenience or advantage.

269. Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Negligent act likely to spread infection of any disease dangerous to life.

270. Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Malignant act likely to spread infection of any disease dangerous to life.

271. Whoever knowingly disobeys any rule made and promulgated by the Government of India, or by any Government, for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Disobedience to a quarantine rule.

272. Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Adulteration of food or drink which is intended for sale.

273. Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing

Sale of noxious food or drink.

or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

274. Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

275. Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

276. Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

277. Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description

for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

278. Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with fine which may extend to five hundred rupees.

279. Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

280. Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

281. Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

282. Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months,

or with fine which may extend to one thousand rupees, or with both.

283. Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to two hundred rupees.

• 284. Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against any probable danger to human life from such poisonous substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

285. Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

286. Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any explosive substance

in his possession as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

287. Whoever does, with any machinery, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Negligent conduct with respect to any machinery in the possession or under the charge of the offender.

288. Whoever, in pulling down or repairing any building, knowingly or negligently omits to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Negligence with respect to pulling down or repairing buildings.

289. Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Negligence with respect to any animal.

290. Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred rupees.

Punishment for public nuisance.

291. Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Continuance of nuisance after injunction to discontinue.

292. Whoever sells or distributes, imports or prints Sale, &c., of for sale or hire, or wilfully exhibits to obscene books. public view, any obscene book, pamphlet, paper, drawing, painting, representation or figure, or attempts or offers so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Exception.—This section does not extend to any representation sculptured, engraved, painted, or otherwise represented, on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

293. Whoever has in his possession any such obscene book or other thing as is mentioned in the last preceding section for the purpose of sale, distribution, or public exhibition, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Having in possession obscene book for sale or exhibition.

294. Whoever sings, recites, or utters in or near any public place any obscene song, ballad, or words to the annoyance of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Obscene songs.

294A. Whoever keeps any office or place for the purpose of drawing any lottery not authorised by Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Keeping lot-
tery-office.

And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to one thousand rupees.

CHAPTER XV.

OF OFFENCES RELATING TO RELIGION.

295. Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons, with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Injuring or
defiling a place
of worship, with
intent to insult
the religion of
any class.

296. Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Disturbing a
religious assembly.

297. Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person

Trespassing
on burial places,
&c.

are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture or any place set apart for the performance of funeral rites, or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

298. Whoever, with deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Uttering words, &c., with deliberate intention to wound the religious feelings of any person.

CHAPTER XVI.

OF OFFENCES AFFECTING THE HUMAN BODY.

OF OFFENCES AFFECTING LIFE.

299. Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Culpable homicide.

Illustrations.

(a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground

to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.

(b) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

(c) A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death.

Explanation 1.—A person who causes bodily injury to another who is labouring under a disorder, disease, or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2.—Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3.—The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

300. Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death or—

2ndly.—If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—

3rdly.—If it is done with the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—

4thly.—If the person committing the act knows that it is so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Illustrations.

(a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

(b) A, knowing that Z is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.

(c) A intentionally gives Z a sword-cut or club-wound sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z's death.

(d) A without any excuse fires a loaded cannon into a crowd of persons and kills one of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

Exception 1.—Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person

When culpable homicide is not murder.

who gave the provocation, or causes the death of any other person by mistake or accident.

The above exception is subject to the following provisos:—

First.—That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

Secondly.—That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly.—That the provocation is not given by anything done in the lawful exercise of the right of private defence.

Explanation.—Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder, is a question of fact.

Illustrations.

(a) A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, inasmuch as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(b) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.

(c) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and kills Z. This is murder, inasmuch as the provocation was given by a thing done by a public servant in the exercise of his powers.

(d) A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A's deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is murder.

(e) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, inasmuch as the provocation was given by a thing done in the exercise of the right of private defence.

(f) Z strikes B. B is by this provocation excited to violent rage. A, a by-stander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

Exception 2.—Culpable homicide is not murder if the offender, in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law, and causes the death of the person against whom he is exercising such right of defence, without premeditation and without any intention of doing more harm than is necessary for the purpose of such defence.

Illustration.

Z attempts to horse-whip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other means prevent himself from being horse-whipped, shoots Z dead. A has not committed murder, but only culpable homicide.

Exception 3.—Culpable homicide is not murder if the offender, being a public servant, or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his

duty as such public servant, and without ill-will towards the person whose death is caused.

Exception 4.—Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel, and without the offender having taken undue advantage or acted in a cruel or unusual manner.

Explanation.—It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5.—Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death, or takes the risk of death with his own consent.

Illustration.

A, by instigation, voluntarily causes Z, a person under eighteen years of age, to commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

301. If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

302. Whoever commits murder shall be punished with death, or transportation for life, and shall also be liable to fine.

Punishment
for murder.

303. Whoever being under sentence of transportation for life, commits murder, shall be punished with death.

Punishment
for murder by a
life-convict.

304. Whoever commits culpable homicide not amounting to murder shall be punished with transportation for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death; or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

305. If any person under eighteen years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide, shall be punished with death or transportation for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

306 If any person commits suicide, whoever abets the commission of such suicide shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

307. Whoever does any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of murder, shall be

punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine: and if hurt is caused to any person by such act, the offender shall be liable either to transportation for life, or to such punishment as is hereinbefore mentioned.

When any person offending under this section is under sentence of transportation for life, he may, if hurt is caused, be punished with death.

Attempts by
life-convicts.

Illustrations.

(a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued, A would be guilty of murder. A is liable to punishment under this section.

(b) A, with the intention of causing the death of a child of tender years, exposes it in a desert place. A has committed the offence defined by this section, though the death of the child does not ensue.

(c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section; and if by such firing he wounds Z, he is liable to the punishment provided by the latter part of this section.

(d) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence defined in this section. A places the food on Z's table or delivers it to Z's servants to place it on Z's table. A has committed the offence defined in this section.

308. Whoever does any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and if hurt

Attempt to
commit culpable
homicide.

is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Illustration.

A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this section.

309. Whoever attempts to commit suicide, and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Attempt to commit suicide.

310. Whoever at any time after the passing of this Act shall have been habitually associated with any other or others for the purpose of committing robbery or child stealing by means of or accompanied with murder, is a Thug.

Thug.

311. Whoever is a Thug shall be punished with transportation for life, and shall also be liable to fine.

Punishment.

OF THE CAUSING OF MISCARRIAGE, OF INJURIES TO UNBORN CHILDREN, OF THE EXPOSURE OF INFANTS, AND OF THE CONCEALMENT OF BIRTHS.

312. Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and if the woman be quick with child, shall be punished with imprisonment of either description for a

Causing miscarriage.

term which may extend to seven years, and shall also be liable to fine.

Explanation.—A woman who causes herself to miscarry is within the meaning of this section.

313. Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Causing miscarriage without woman's consent.

314. Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if the act is done without the consent of the woman, shall be punished either with transportation for life, or with the punishment above mentioned.

Death caused by an act done with intent to cause miscarriage—

If act done without woman's consent.

Explanation.—It is not essential to this offence that the offender should know that the act is likely to cause death.

315. Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive, or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Act done with intent to prevent a child being born alive or to cause it to die after birth.

316. Whoever does any act under such circumstances that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Causing death of a quick unborn child by an act amounting to culpable homicide.

Illustration.

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this section.

317. Whoever, being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Exposure and abandonment of a child under twelve years, by parent, or person having care of it.

Explanation.—This section is not intended to prevent the trial of the offender for murder or culpable homicide as the case may be, if the child die in consequence of the exposure.

318. Whoever by secretly burying or otherwise disposing of the dead body of a child, whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Concealment of birth by secret disposal of dead body.

OF HURT.

Hurt. 319. Whoever causes bodily pain, disease, or infirmity to any person is said to hurt cause.

Grievous hurt. 320. The following kinds of hurt only are designated as "grievous" :—

First.—Emasculation.

Secondly.—Permanent privation of the sight of either eye.

Thirdly.—Permanent privation of the hearing of either ear.

Fourthly.—Privation of any member or joint.

Fifthly.—Destruction or permanent impairing of the powers of any member or joint.

Sixthly.—Permanent disfiguration of the head or face.

Seventhly.—Fracture or dislocation of a bone or tooth.

Eighthly.—Any hurt which endangers life, or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

321. Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt."

322. Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt."

Explanation.—A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration.

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.

323. Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

324. Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

325. Whoever, except in the case provided by section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

326. Whoever, except in the case provided by section 335, voluntarily causes grievous hurt by means of any instrument for shooting stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

327. Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

328. Whoever administers to, or causes to be taken by, any person any poison or any stupefying, intoxicating, or unwholesome drug or other thing, with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence, or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

329. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer, or from any person interested in the

hurt to extort property, or to constrain to an illegal act.

sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal, or which may facilitate the commission of an offence, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

330. Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Voluntarily causing hurt to extort confession, or to compel restoration of property.

Illustrations.

(a) A, a Police officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.

(b) A, a Police officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.

(c) A, a revenue officer, tortures Z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this section.

(d) A, a zamindar, tortures a ryot in order to compel him to pay his rent. A is guilty of an offence under this section.

331. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

332. Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

333. Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

334. Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends voluntarily causing hurt on nor knows himself to be likely to cause provocation. hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

335. Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to four years, or with fine which may extend to two thousand rupees, or with both.

Explanation.—The last two sections are subject to the same provisos as Exception 1, section 300.

336. Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.

337. Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months; or with fine which may extend to five hundred rupees, or with both.

338. Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to two thousand rupees, or with both.

act which endangers life or the personal safety of others. safety of others, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

WRONGFUL RESTRAINT AND WRONGFUL CONFINEMENT.

339. Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Wrongful restraint.

Exception.—The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

Illustration.

A obstructs a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

340. Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said “wrongfully to confine” that person.

Wrongful confinement.

Illustrations.

(a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

341. Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

342. Whoever wrongfully confines any person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

343. Whoever wrongfully confines any person for three days or more, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

344. Whoever wrongfully confines any person for ten days or more, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

345. Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to any term of imprisonment to which he may be liable under any other section of this Code.

346. Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with

imprisonment of either description for a term which may extend to two years, in addition to any other punishment to which he may be liable for such wrongful confinement.

347. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security, or of constraining the person confined, or any person interested in such person, to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

348. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or any person interested in the person confined, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined, or any person interested in the person confined, to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

OF CRIMINAL FORCE AND ASSAULT.

349. A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything

which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling ; provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described :

First.—By his own bodily power.

Secondly.—By disposing any substance in such a manner that the motion, or change, or cessation of motion takes place without any further act on his part or on the part of any other person.

Thirdly.—By inducing any animal to move, to change its motion, or to cease to move.

350. Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Illustrations.

(a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z ; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.

(b) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to

change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, A has committed criminal force to Z.

(c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z: and as A has acted thus intentionally without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z, and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.

(e) A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.

(f) A intentionally pulls up a woman's veil. Here A intentionally uses force to her; and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.

(g) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally, by his own bodily power, causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling: A has therefore intentionally used force to Z; and if he has

done this without Z's consent, intending or knowing it to be likely that he may thereby cause injury, fear or annoyance to Z, A has used criminal force.

(h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear or annoyance to Z, he uses criminal force to Z.

351. Whoever makes any gesture or any preparation, intending or knowing it to be likely that
Assault. such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Explanation.—Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

Illustrations.

(a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(c) A takes up a stick, saying to Z, "I will give you a beating." Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

352. Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Punishment for using criminal force otherwise than on grave provocation.

Explanation.—Grave and sudden provocation will not mitigate the punishment for an offence under this section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence,—or

If the provocation is given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant,—or

If the provocation is given by anything done in the lawful exercise of the right of private defence.

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

353. Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Using criminal force to deter a public servant from discharge of his duty.

354. Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or use of criminal force to a woman with intent to outrage her modesty.

355. Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of

Assault or criminal force with intent to dishonour a person, otherwise than

on grave provocation.

with both.

either description for a term which may extend to two years, or with fine, or

356. Whoever assaults or uses criminal force to any person, in attempting to commit theft on any property which that person is then wearing or carrying, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force in attempt to commit theft of property carried by a person.

357. Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Assault or criminal force in attempt wrongfully to confine person.

358. Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Assaulting or using criminal force on grave provocation.

Explanation.—The last section is subject to the same explanation as section 352.

OF KIDNAPPING, ABDUCTION, SLAVERY AND FORCED LABOUR.

359. Kidnapping is of two kinds ; kidnapping from British India, and kidnapping from lawful guardianship.

Kidnapping.

360. Whoever conveys any person beyond the limits of British India without the consent of that person or of some person legally authorized to consent on behalf of that

Kidnapping from British India.

person, is said to kidnap that person from British India.

361. Whoever takes or entices any minor under four-
Kidnapping from lawful guardianship. teen years of age if a male, or under six-
 teen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Explanation.—The words “lawful guardian” in this section include any person lawfully entrusted with the care or custody of such minor or other person.

Exception.—This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

362. Whoever by force compels, or by any deceitful
Abduction. means induces, any person to go from any place, is said to abduct that person.

363. Whoever kidnaps any person from British India
Punishment for kidnapping. or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

364. Whoever kidnaps or abducts any person in order
Kidnapping or abducting in order to murder. that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, shall be punished with transportation for life, or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Illustrations.

(a) A kidnaps Z from British India, intending or knowing it to be likely that Z may be sacrificed to an idol. A has committed the offence defined in this section.

(b) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this section.

365. Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

366. Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

367. Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

368. Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or keeps such person in confinement, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge or for the same purpose as that with or for which he conceals or detains such person in confinement.

369. Whoever kidnaps or abducts any child under the age of ten years, with the intention of taking dishonestly any moveable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

370. Whoever imports, exports, removes, buys, sells, or disposes of any person as a slave, or accepts, receives, or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

371. Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

372. Whoever sells, lets to hire, or otherwise disposes of any minor under the age of sixteen years, with intent that such minor shall be employed or used for the purpose of prostitution or for any unlawful and immoral purpose, or knowing it to be likely that such

Explanation 1.—A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2.—A moving effected by the same act which effects the severance, may be a theft.

Explanation 3.—A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

Explanation 4.—A person, who by any means causes an animal to move, is said to move that animal, and to move every thing which, in consequence of the motion so caused, is moved by that animal.

Explanation 5.—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations.

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession, without Z's consent. Here, as soon as A has severed the tree, in order to such taking, he has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(d) A, being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.

(e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft though he may have committed criminal breach of trust.

(f) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

(g) A finds a ring lying on the high-road, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.

(h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(i) A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

(j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession with the intention of depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(k) Again, if A having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he borrowed on the watch, he commits theft, though

the watch is his own property, inasmuch as he takes it dishonestly.

(l) A takes an article belonging to Z out of Z's possession, without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly; A has therefore committed theft.

(m) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent, for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(n) A asks charity from Z's wife. She gives A money, food and clothes, which A knows to belong to Z, her husband. Here, it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft.

(o) A is the paramour of Z's wife. She gives A valuable property, which A knows to belong to her husband Z, and to be such property as she has not authority from Z to give. If A takes the property dishonestly, he commits theft.

(p) A in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take dishonestly, he does not commit theft.

379. Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment
for theft.

380. Whoever commits theft in any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or for the custody of property, shall be punished with imprisonment of either description for a term

Theft in dwelling-house, &c.

which may extend to seven years, and shall also be liable to fine.

381. Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Theft by clerk
or servant of
property in pos-
session of master.

382. Whoever commits theft, having made preparation for causing death or hurt or restraint, or fear of death or of hurt or of restraint, to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Theft after
preparation
made for causing
death or hurt, in
order to the com-
mitting of the
theft.

Illustrations.

(a) A commits theft on property in Z's possession ; and, while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting Z, in case Z should resist. A has committed the offence defined in this section.

(b) A picks Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this section.

OF EXTORTION.

383. Whoever intentionally puts any person in fear of any injury to that person or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any

Extortion.

property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion."

Illustrations.

(a) A threatens to publish a defamatory libel concerning Z, unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(b) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(c) A threatens to send club-men to plough up Z's field, unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

(d) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper, and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

384. Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment
for extortion.

385. Whoever, in order to the committing of extortion, puts any person in fear or attempts to put any person in fear of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Putting person
in fear of injury
in order to com-
mit extortion.

386. Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Extortion by
putting a person
in fear of death
or grievous hurt.

387. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Putting person in fear of death or of grievous hurt, in order to commit extortion.

388. Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with transportation for life, or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if the offence be one punishable under section 377, may be punished with transportation for life.

Extortion by threat of accusation of an offence punishable with death or transportation, &c.

389. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation against that person or any other, of having committed, or attempted to commit, an offence punishable with death, or with transportation for life, or with imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if the offence be punishable under section 377, may be punished with transportation for life.

Putting person in fear of accusation of offence, in order to commit extortion.

OF ROBBERY AND DACOITY.

390. In all robbery there is either theft or extortion.

Robbery.

Theft is "robbery," if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the

When theft is robbery.

offender, for that end, voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt or of instant wrongful restraint.

Extortion is "robbery," if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

Explanation.—The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

Illustrations.

(a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.

(b) A meets Z on the high road, shows a pistol, and demands Z's purse. Z, in consequence, surrenders his purse. Here A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

(c) A meets Z and Z's child on the high road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z, in consequence, delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

(d) A obtains property from Z by saying—"Your child is in the hands of my gang, and will be put to death unless

you send us ten thousand rupees." This is extortion, and punishable as such : but it is not robbery, unless Z is put in fear of the instant death of his child.

391. When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting, or aiding, is said to commit "dacoity."

392. Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine ; and if the robbery be committed on the highway between sunset and sunrise, the imprisonment may be extended to fourteen years.

393. Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

394. If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

395. Whoever commits dacoity shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

396. If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished

with death, or transportation for life, or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

397. If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

Robbery or dacoity, with attempt to cause death or grievous hurt.

398. If, at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than seven years.

Attempt to commit robbery or dacoity when armed with deadly weapon.

399. Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine,

Making preparation to commit dacoity.

400. Whoever, at any time after the passing of this Act, shall belong to a gang of persons associated for the purpose of habitually committing dacoity, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Punishment for belonging to a gang of dacoits.

401. Whoever, at any time after the passing of this Act, shall belong to any wandering or other gang of persons associated for the purpose of habitually committing theft or robbery, and not being a gang of thugs or dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Punishment for belonging to a wandering gang of thieves.

402. Whoever, at any time after the passing of this Act, shall be one of five or more persons assembled for the purpose of committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

OF CRIMINAL MISAPPROPRIATION OF PROPERTY.

403. Whoever dishonestly misappropriates or converts to his own use any moveable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations.

(a) A takes property belonging to Z out of Z's possession, in good faith believing, at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(b) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But if A afterwards sells the book for his own benefit, he is guilty of an offence under this section.

(c) A and B being joint owners of a horse, A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

Explanation. 1.—A dishonest misappropriation for a time only is a misappropriation within the meaning of this section.

Illustration.

A finds a Government promissory note belonging to Z,

bearing a blank endorsement. A, knowing that the note belongs to Z, pledges it with a banker as a security for a loan, intending at a future time to restore it to Z. A has committed an offence under this section.

Explanation 2.—A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner, and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means, or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it: it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believe that the real owner cannot be found.

Illustrations.

(a) A finds a rupee on the high road, not knowing to whom the rupee belongs. A picks up the rupee. Here A has not committed the offence defined in this section.

(b) A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.

(c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person who has drawn the cheque appears. A knows that this person can direct him to the person in whose favour the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.

(d) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this section.

(e) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.

(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this section.

404. Whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Dishonest misappropriation of property possessed by a deceased person at the time of his death.

Illustration.

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this section.

OF CRIMINAL BREACH OF TRUST.

405. Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which

Criminal breach of trust.

such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust."

Illustrations.

(a) A being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.

(b) A is a warehouse-keeper. Z, going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse-room. A dishonestly sells the goods. A has committed criminal breach of trust.

(c) A, residing in Calcutta, is agent for Z residing at Delhi. There is an express or implied contract between A and Z that all sums remitted by Z to A shall be invested by A according to Z's direction. Z remits a lakh of rupees to A, with directions to A to invest the same in Company's paper. A dishonestly disobeys the directions, and employs the money in his own business. A has committed criminal breach of trust.

(d) But if A, in the last illustration, not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares in the Bank of Bengal, disobeys Z's directions and buys shares in the Bank of Bengal for Z, instead of buying Company's paper, here, though Z should suffer loss, and should be entitled to bring a civil action against A on account of that loss, yet A, not having acted dishonestly, has not committed criminal breach of trust.

(e) A, a revenue officer, is entrusted with public money, and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. A dishonestly appropriates the money. A has committed criminal breach of trust.

(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

406. Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for criminal breach of trust.

407. Whoever being entrusted with property as a carrier, wharfinger, or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Criminal breach of trust by carrier, &c.

408. Whoever, being a clerk or servant or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Criminal breach of trust by a clerk or servant.

409. Whoever, being in any manner entrusted with property, or with any dominion over property, in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Criminal breach of trust by public servant, or by banker, merchant or agent.

OF THE RECEIVING OF STOLEN PROPERTY.

410. Property the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed is designated as "stolen property." whether the transfer has been made, or the misappropriation or breach of trust

Stolen property.

has been committed, within or without British India. But if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

411. Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

412. Whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity, or dishonestly receives from a person whom he knows or has reason to believe to belong, or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

413. Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

414. Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

OF CHEATING.

415. Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any

person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to "cheat."

Explanation.—A dishonest concealment of facts is a deception within the meaning of this section.

Illustrations.

(a) A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit goods for which he does not mean to pay. A cheats.

(b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats.

(c) A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.

(d) A, by tendering in payment for an article a bill on a house with which A keeps no money, and by which A expects that the bill will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats.

(e) A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z to lend money. A cheats.

(f) A intentionally deceives Z into a belief that A means to repay any money that Z may lend to him, and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats.

(g) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he

does not intend to deliver, and thereby dishonestly induces Z to advance money upon the faith of such delivery. A cheats ; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

(h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby dishonestly induces Z to pay money. A cheats.

(i) A sells and conveys an estate to B. A knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

416. A person is said to "cheat by personation" if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.

Explanation.—The offence is committed whether the individual personated is a real or imaginary person.

Illustrations.

(a) A cheats by pretending to be a certain rich banker of the same name. A cheats by personation.

(b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

417. Whoever cheats shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

418. Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction

wrongful loss may be thereby caused to a person whose interest the offender is bound to protect.

to which the cheating relates, he was bound either by law, or by a legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

419. Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for cheating by personation.

420. Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter, or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Cheating and dishonestly inducing a delivery of property.

OF FRAUDULENT DEEDS AND DISPOSITIONS OF PROPERTY.

421. Whoever dishonestly or fraudulently removes, conceals, or delivers to any person, or transfers or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.

422. Whoever dishonestly or fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his

Dishonestly or fraudulently preventing from

being made available for his creditors a debt or demand due to the offender.

both.

debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with

423. Whoever dishonestly or fraudulently signs, executes, or becomes a party to any deed or instrument which purports to transfer or subject to any charge any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration.

424. Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest or fraudulent removal or concealment of property.

OF MISCHIEF.

425. Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility or affects it injuriously, commits "mischief."

Mischief.

Explanation 1.—It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows

that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2.—Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

Illustrations.

(a) A voluntarily burns a valuable security belonging to Z, intending to cause wrongful loss to Z. A has committed mischief.

(b) A introduces water into an ice house belonging to Z, and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.

(c) A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed mischief.

(d) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. A has committed mischief.

(e) A, having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. A has committed mischief.

(f) A causes a ship to be cast away, intending thereby to cause damage to Z, who has lent money on bottomry on the ship. A has committed mischief.

(g) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(h) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing that he is likely to cause damage to Z's crop. A has committed mischief.

426. Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Punishment for committing mischief.

427. Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Committing mischief and thereby causing damage to the amount of fifty rupees.

428. Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any animal or animals of the value of ten rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Mischief by killing or maiming any animal of the value of ten rupees.

429. Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, or any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by killing or maiming cattle, &c., or any animal of the value of fifty rupees.

430. Whoever commits mischief by doing any act which causes or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings, or for animals which are property, or for cleanliness, or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by injury to works of irrigation or by wrongfully diverting water.

431. Whoever commits mischief by doing any act which renders, or which he knows to be likely to render, any public road, bridge, navigable river, or navigable channel, natural or artificial, impassable or less

Mischief by injury to public road, bridge, or river.

safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

432. Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, an inundation or an obstruction to any public drainage attended with injury or damage; shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

433. Whoever commits mischief by destroying or moving any light-house or other light used as a sea-mark, or any sea-mark or buoy or other thing placed as a guide for navigators, or by any act which renders any such light-house, sea-mark, buoy, or other such thing as aforesaid less useful as a guide for navigators, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

434. Whoever commits mischief by destroying or moving any land-mark fixed by the authority of a public servant, or by any act which renders such land-mark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

435. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, damage to any property to the amount of one hundred rupees or upwards, or (where the property is agricultural produce) ten rupees or upwards,

shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

436. Whoever commits mischief by fire or any explosive substance, intending to cause or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Mischief by fire or explosive substance with intent to destroy a house, &c.

437. Whoever commits mischief to any decked vessel or any vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe or knowing it to be likely that he will thereby destroy or render unsafe that vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.

438. Whoever commits or attempts to commit by fire or any explosive substance, such mischief as is described in the last preceding section, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Punishment for the mischief described in the last section, when committed by fire or any explosive substance.

439. Whoever intentionally runs any vessel aground or ashore, intending to commit theft of any property contained therein, or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment

Punishment for intentionally running vessel aground or ashore with intent to commit theft, &c.

of either description for a term which may extend to ten years, and shall also be liable to fine.

440. Whoever commits mischief, having made preparation for causing to any person death or hurt or wrongful restraint, or fear of death or of hurt or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Mischief committed after preparation made for causing death or hurt.

OF CRIMINAL TRESPASS.

441. Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property; or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit "criminal trespass."

442. Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling, or any building used as a place for worship or as a place for the custody of property, is said to commit "house-trespass."

Explanation.—The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

443. Whoever commits house-trespass, having taken precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent or vessel which is the subject of the trespass, is said to commit "lurking house-trespass."

Lurking house-trespass.

Lurking house-trespass by night. 444. Whoever commits lurking house-trespass after sunset and before sunrise, is said to commit "lurking house-trespass by night."

House-break-ing. 445. A person is said to commit "house-breaking," who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or, having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say:—

Firstly.—If he enters or quits through a passage made by himself, or by any abettor of the house-trespass, in order to the committing of the house-trespass.

Secondly.—If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building.

Thirdly.—If he enters or quits through any passage which he or any abettor of the house-trespass has opened, in order to the committing of the house-trespass, by any means by which that passage was not intended by the occupier of the house to be opened.

Fourthly.—If he enters or quits by opening any lock in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass.

Fifthly.—If he effects his entrance or departure by using criminal force or committing an assault or by threatening any person with assault,

Sixthly.—If he enters or quits by any passage which he knows to have been fastened against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass,

Explanation.—Any out-house or building occupied with a house, and between which and such house there is an immediate internal communication, is part of the house within the meaning of this section.

Illustrations.

(a) A commits house-trespass by making a hole through the wall of Z's house and putting his hand through the aperture. This is house-breaking.

(b) A commits house-trespass by creeping into a ship at a port-hole between decks. This is house-breaking.

(c) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(d) A commits house-trespass by entering Z's house through the door, having opened a door which was fastened. This is house-breaking.

(e) A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a hole in the door. This is house-breaking.

(f) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.

(g) Z is standing in his door-way. A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.

(h) Z, the door-keeper of Y, is standing in Y's door-way. A commits house-trespass by entering the house, having deterred Z from opposing him by threatening to beat him. This is house-breaking.

**House-break-
ing by night.** 446. Whoever commits house-break-
ing after sunset and before sunrise is said
to commit "house-breaking by night."

**Punishment for
criminal tres-
pass.** 447. Whoever commits criminal trespass shall be
punished with imprisonment of either
description for a term which may extend
to three months, or with fine which may
extend to five hundred rupees, or with both.

448. Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Punishment for house-trespass.

449. Whoever commits house-trespass in order to the committing of any offence punishable with death, shall be punished with transportation for life, or with rigorous imprisonment for a term not exceeding ten years, and shall also be liable to fine.

House-trespass in order to the commission of an offence punishable with death.

450. Whoever commits house-trespass in order to the committing of any offence punishable with transportation for life, shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

House-trespass in order to the commission of an offence punishable with transportation for life.

451. Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

House-trespass in order to the commission of an offence punishable with imprisonment.

452. Whoever commits house-trespass, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

House-trespass after preparation made for causing hurt to any person.

453. Whoever commits lurking house-trespass or house-breaking shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking.

454. Whoever commits lurking house-trespass or house-breaking in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and if the offence intended to be committed is theft, the term of the imprisonment may be extended to ten years.

Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.

455. Whoever commits lurking house-trespass or house-breaking having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Lurking house-trespass or house-breaking after preparation made for causing hurt to any person.

456. Whoever commits lurking house-trespass by night or house-breaking by night, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking by night.

457. Whoever commits lurking house-trespass by night or house-breaking by night, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to fourteen years.

Lurking house-trespass or house-breaking by night, in order to the commission of an offence punishable with imprisonment.

458. Whoever commits lurking house-trespass by night or house-breaking by night, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

459. Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

460. If, at the time of the committing of lurking house-trespass by night or house-breaking by night, any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt to any person, every person jointly concerned in committing such lurking house-trespass by night or house-breaking by night, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

461. Whoever dishonestly, or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

462. Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment
for same offence
when committed
by person en-
trusted with
custody.

CHAPTER XVIII.

OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

463. Whoever makes any false document or part of a document with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

464. A person is said to make a false document—

Making a false
document.

First.—Who dishonestly or fraudulently makes, signs, seals, or executes a document or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed, or executed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, or executed, or at a time at which he knows that it was not made, signed, sealed, or executed; or

Secondly.—Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a

document in any material part thereof, after it has been made or executed either by himself or by any other person. whether such person be living or dead at the time of such alteration ; or

Thirdly.—Who dishonestly or fraudulently causes any person to sign, seal, execute, or alter a document, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him he does not, know the contents of the document or the nature of the alteration.

Illustrations.

(a) A has a letter of credit upon B for rupees 10,000, written by Z. A, in order to defraud B, adds a cipher to the 10,000, and makes the sum 100,000, intending that it may be believed by B that Z so wrote the letter. A has committed forgery.

(b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of selling the estate to B, and thereby of obtaining from B the purchase-money. A has committed forgery.

(c) A picks up a cheque on a banker signed by B, payable to bearer, but without any sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand rupees. A commits forgery.

(d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the sum payable, and authorizes B to fill up the cheque by inserting a sum not exceeding ten thousand rupees for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand rupees. B commits forgery.

(e) A draws a bill of exchange on himself in the name of B without B's authority, intending to discount it as a genuine bill with a banker, and intending to take up the bill on its maturity. Here, as A draws the bill with intent

to deceive the banker by leading him to suppose that he had the security of B, and thereby to discount the bill, A is guilty of forgery.

(f) Z's will contains these words—"I direct that all my remaining property be equally divided between A, B and C." A dishonestly scratches out B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.

(g) A endorses a Government promissory note and makes it payable to Z or his order, by writing on the bill the words "Pay to Z or his order," and signing the endorsement. B dishonestly erases the words "pay to Z or his order," and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(j) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.

(k) A without B's authority writes a letter and signs it in B's name, certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery, inasmuch as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an expressed or implied contract for service.

Explanation 1.—A man's signature of his own name may amount to forgery.

Illustrations.

(a) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. A has committed forgery.

(b) A writes the word "accepted" on a piece of paper and signs it with Z's name, in order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and negotiate the bill as though it had been accepted by Z. A is guilty of forgery; and if B knowing the fact draws the bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(c) A picks up a bill of exchange payable to the order of a different person of the same name. A endorses the bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable: here A has committed forgery.

(d) A purchases an estate sold under execution of a decree against B. B, after the seizure of the estate, in collusion with Z, executes a lease of the estate to Z at a nominal rent and for a long period, and dates the lease six months prior to the seizure with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by antedating it.

(e) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and with intent to defraud his creditors, and in order to give a colour to the transaction writes a promissory note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Explanation 2.—The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed

that the document was made by the person in his lifetime, may amount to forgery.

Illustration.

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. A commits forgery.

465. Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment of forgery.

466. Whoever forges a document purporting to be a record or proceeding of or in a Court of Justice, or a register of birth, baptism, marriage, or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Forgery of a record of a Court of Justice or of a public register of births, &c.

467. Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest, or dividends thereon, or to receive or deliver any money, moveable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any moveable property or valuable security, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Forgery of a valuable security or will.

468. Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

469. Whoever commits forgery, intending that the document forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

470. A false document made wholly or in part by forgery is designated "a forged document."

471. Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.

472. Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 467, or with such intent has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

473. Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any

to commit a forgery punishable otherwise.

forgery which would be punishable under any section of this chapter other than section 467, or with such intent has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

474. Whoever has in his possession any document, knowing the same to be forged, and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document is one of the description mentioned in section 466, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the description mentioned in section 467, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

475. Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any document described in section 467, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

476. Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any

Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material.

used for authenticating documents other than those described in section 467, or possessing counterfeited marked material.

document other than the documents described in section 467 intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

477. Whoever fraudulently or dishonestly, or with intent to cause damage or injury to the public or to any person, cancels, destroys, or defaces, or attempts to cancel, destroy, or deface, or secretes or attempts to secrete any document which is or purports to be a will, or an authority to adopt a son, or any valuable security, or commits mischief in respect to such document, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Fraudulent cancellation, destruction, &c., of a will.

OF TRADE AND PROPERTY-MARKS.

478. A mark used for denoting that goods have been made or manufactured by a particular person or at a particular time or place, or that they are of a particular quality, is called a trade-mark.

Trade-mark.

479. A mark used for denoting that moveable property belongs to a particular person, is called a property-mark.

Property-mark.

480. Whoever marks any goods, or any case, package, or other receptacle containing goods, or uses any case, package, or other receptacle with any mark thereon, with the intention

Using a false trade-mark.

of causing it to be believed that the goods so marked, or any goods contained in any such case, package, or receptacle so marked, were made or manufactured by any person by whom they were not made or manufactured, or that they were made or manufactured at any time or place at which they were not made or manufactured, or that they are of a particular quality of which they are not, is said to use a false trade-mark.

481. Whoever marks any moveable property or goods,

Using a false property-mark. or any case, package, or other receptacle containing moveable property or goods, or uses any case, package, or other receptacle having any mark thereon, with the intention of causing it to be believed that the property or goods so marked, or any property or goods contained in any case, package, or other receptacle so marked belong to a person to whom they do not belong is said to use a false property-mark.

482. Whoever uses any false trade-mark or any false

Punishment for using a false trade or property-mark with intent to deceive or injure any person. property-mark with intent to deceive or injure any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

483. Whoever, with intent to cause damage or injury

Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury. to the public or to any person, knowingly counterfeits any trade or property-mark used by any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

484. Whoever, with intent to cause damage or injury

Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of property. to the public or to any person, knowingly counterfeits any property-mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the same is of a particular quality, or has passed through a particular office, or

that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

485. Whoever makes or has in his possession any die, plate, or other instrument for the purpose of making or counterfeiting any public or private property or trade-mark, with intent to use the same for the purpose of counterfeiting such mark, or has in his possession any such property or trade-mark with intent that the same shall be used for the purpose of denoting that any goods or merchandize were made or manufactured by any particular person or firm by whom they were not made, or at a time or place at which they were not made, or that they are of a particular quality of which they are not, or that they belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.

486. Whoever sells any goods with a counterfeit property or trade-mark, whether public or private, affixed to or impressed upon the same or upon any case, wrapper, or receptacle in which such goods are packed or contained, knowing that such mark is forged or counterfeit, or that the same has been affixed to or impressed upon any goods or merchandize not manufactured or made by the person or at the time or place indicated by such mark, or that they are not of the quality indicated by such mark, with intent to deceive, injure or damage any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Knowingly selling goods marked with a counterfeit property or trade-mark.

487. Whoever fraudulently makes any false mark upon any package or receptacle containing goods, with intent to cause any public servant or any other person to believe that such package or receptacle contains goods which it does not contain, or that it does not contain goods which it does contain, or that the goods contained in such package or receptacle are of a nature or quality different from the real nature or quality thereof, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Fraudulently making a false mark upon any package or receptacle containing goods.

488. Whoever fraudulently makes use of any such false mark with the intent last aforesaid, knowing such mark to be false, shall be punished in the manner mentioned in the last preceding section.

489. Whoever removes, destroys or defaces any property-mark, intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Punishment for making use of any such false mark.

Defacing any property-mark with intent to cause injury.

CHAPTER XIX.

OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

490. Whoever, being bound by a lawful contract to render his personal service in conveying or conducting any person or any property from one place to another place, or to act as servant to any person during a voyage or journey, or to guard any person or property during a voyage or journey, voluntarily omits so to do, except in the case of illness or ill-treatment, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Breach of contract of service during a voyage or journey.

Illustrations.

(a) A, a palanquin bearer, being bound by legal contract to carry Z from one place to another, runs away in the middle of the stage. A has committed the offence defined in this section.

(b) A, a cooly, being bound by lawful contract to carry Z's baggage from one place to another, throws the baggage away. A has committed the offence defined in this section.

(c) A, a proprietor of bullocks, being bound by legal contract to convey goods on his bullocks from one place to another, illegally omits to do so. A has committed the offence defined in this section.

(d) A, by unlawful means, compels B, a cooly, to carry his baggage. B in the course of the journey puts down the baggage and runs away. Here, as B was not lawfully bound to carry the baggage, he has not committed any offence.

Explanation.—It is not necessary to this offence that the contract should be made with the person for whom the service is to be performed. It is sufficient if the contract is legally made with any person, either expressly or impliedly, by the person who is to perform the service.

Illustration.

A contracts with a dāk company to drive his carriage for a month. B employs the dāk company to convey him on a journey, and during the month the company supplies B with a carriage which is driven by A. A in the course of the journey voluntarily leaves the carriage. Here, although A did not contract with B, A is guilty of an offence under this section.

491. Whoever, being bound by a lawful contract to attend on or to supply the wants of any person who, by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety or of

Breach of contract to attend on and supply the wants of helpless persons.

supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

492. Whoever, being bound by lawful contract in writing to work for another person as an artificer, workman or labourer, for a period not more than three years, at any place within British India to which by virtue of the contract he has been or is to be conveyed at the expense of such other, voluntarily deserts the service of that other during the continuance of his contract, or without reasonable cause refuses to perform the service which he has contracted to perform, such service being reasonable and proper service, shall be punished with imprisonment of either description for a term not exceeding one month, or with fine not exceeding double the amount of such expense, or with both; unless the employer has ill-treated him or neglected to perform the contract on his part.

CHAPTER XX.

OF OFFENCES RELATING TO MARRIAGE.

493. Every man who by deceit causes any woman who is not lawfully married to him, to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

494. Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of

Breach of a contract to serve at a distant place to which the servant is conveyed at the master's expense.

Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.

Marrying again during the lifetime of husband or wife.

Explanation 3.—An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4.—No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations.

(a) A says—"Z is an honest man; he never stole B's watch;" intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it fall within one of the Exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the Exceptions.

(c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the Exceptions.

First Exception.—It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Imputation of any truth which the public good requires to be made or published.

Second Exception.—It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no farther.

Public conduct of public servants.

Third Exception.—It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no farther.

Conduct of any person touching any public question.

Illustration.

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such a meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

Publication of reports of proceedings of Courts of Justice.

Fourth Exception.—It is not defamation to publish a substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings.

Explanation.—A Justice of the Peace or other officer holding an enquiry in open Court preliminary to a trial in a Court of Justice, is a Court within the meaning of the above section.

Fifth Exception.—It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness, or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no farther.

Merits of a case decided in a Court of Justice; or conduct of witnesses and others concerned therein.

Illustrations.

(a) A says—"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest." A is within this Exception if he says this in good faith; inasmuch

Illustrations.

(a) A, a shopkeeper, says to B, who manages his business—" Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is within the Exception, if he has made this imputation on Z in good faith for the protection of his own interests.

(b) A, a Magistrate, in making a report to his superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the Exception.

Tenth Exception.—It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

Caution intended for the good of the person to whom it is conveyed or for the public good.

500. Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Punishment for defamation.

501. Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Printing or engraving matter known to be defamatory.

502. Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Sale of printed or engraved substance containing defamatory matter.

CHAPTER XXII.

OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

503. Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration.

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

504. Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

505. Whoever circulates or publishes any statement, rumour or report which he knows to be false, with intent to cause any officer, soldier or sailor in the Army or Navy of the Queen to mutiny, or with intent to cause fear or alarm to the public, and thereby to induce any person to commit an offence against the State or against the public tranquillity, shall be punished with imprisonment of either description for

a term which may extend to two years, or with fine, or with both.

506. Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or transportation, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

507. Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding section.

508. Whoever voluntarily causes or attempts to cause any person to do anything which that person is not legally bound to do, or to omit to do anything which he is legally entitled to do, by inducing or attempting to induce that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object of Divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Punishment for criminal intimidation.

If threat be to cause death or grievous hurt, &c.

Criminal intimidation, by an anonymous communication.

Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure.

Illustrations.

(a). A sits dhurna at Z's door with the intention of causing it to be believed that, by so sitting, he renders Z an object of Divine displeasure. A has committed the offence defined in this section.

(b) A threatens Z that unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be believed to render Z an object of Divine displeasure. A has committed the offence defined in this section.

509. Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Word or gesture intended to insult the modesty of a woman.

510. Whoever, in a state of intoxication, appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to ten rupees, or with both.

Misconduct in public by a drunken person.

CHAPTER XXIII.

OF ATTEMPTS TO COMMIT OFFENCES.

511. Whoever attempts to commit an offence punishable by this Code with transportation or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the

Punishment for attempting to commit offences punishable with transportation or imprisonment.

punishment of such attempt, be punished with transportation or imprisonment of any description provided for the offence, for a term of transportation or imprisonment which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations.

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket : A is guilty under this section.

ACT NO. XXVII OF 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the
25th November 1870).*

An Act to amend the Indian Penal Code.

Preamble. FOR the purpose of amending the Indian Penal Code; It is hereby enacted as follows:—

1. For section thirty-four of the said Code, the following section shall be substituted :—

Liability for
act done by
several persons
in furtherance
of common in-
tention.

“34. When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.”

2. For section forty of the said Code, the following section shall be substituted :—

“40. Except in the chapter and sections mentioned in clauses two and three of this section, “Offence”. the word “offence” denotes a thing made punishable by this Code.”

“In chapter IV and in the following sections, namely, sections 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word “offence” denotes a thing punishable under this Code, or under any special or local law as hereinafter defined :—

"And in sections 141, 176, 177, 201, 202, 212, 216 and 441, the word "offence" has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine."

3. Section fifty-six of the said Code shall be read as if the following proviso were added thereto :—

Proviso as to sentence for term exceeding ten years, but not for life.	"Provided that, where an European or American offender would, but for such Act, be liable to be sentenced or ordered to be transported for a term exceeding ten years, but not for life, he shall be liable to be sentenced or ordered to be kept in penal servitude for such term exceeding six years as to the Court seems fit, but not for life."
--	--

4. After section one hundred and twenty-one of the said Code, the following section shall be inserted :—

Conspiracy to commit offences punishable by section 121.	"121A. Whoever within or without British India conspires to commit any of the offences punishable by section one hundred and twenty-one, or to deprive the Queen of the sovereignty of British India or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Government of India or any Local Government, shall be punished with transportation for life or any shorter term, or with imprisonment of either description which may extend to ten years.
---	--

"*Explanation.*—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof."

5. After section one hundred and twenty-four of the said Code, the following section shall be inserted :—

Exciting dis- affection	"124A. Whoever by words, either spoken or intended to be read, or by signs, or by visible representation, or otherwise, excites or attempts to excite feelings of disaffection
----------------------------	--

to the Government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

Explanation.—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore, the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation is not an offence within this clause."

6. Section one hundred and thirty-one of the said Code shall be read as if the following
Addition to section 131. Explanation were added thereto :—

"Explanation.—In this section the words 'officer' and 'soldier' include any person subject to the Articles of War for the better government of Her Majesty's Army, or to the Articles of War contained in Act No. V of 1869."

7. Sections one hundred and ninety-four and one hundred and ninety-five of the said Code shall be read as if, after the words "by this Code," the words 'or the law of England' were inserted.
Amendment of sections 194 and 195.

8. Sections two hundred and twenty-two and two hundred and twenty-three of the said Code shall be construed as if, after the word 'offence,' the following words were inserted (that is to say), or lawfully committed to custody ;
Amendment of sections 222 and 223.

and section two hundred and twenty-two of the said Code, shall be construed as if the following words were

added thereto (that is to say), "or if the person was lawfully committed to custody."

9. After section two hundred and twenty-five of the said Code, the following section shall be inserted :—

"225A. Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing, under the Code of Criminal Procedure, to furnish security for good behaviour, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

Escape from custody for failing to furnish security.

10. After section two hundred and ninety-four, and before chapter XV of the Indian Penal Code, the following section shall be inserted :—

"294A. Whoever keeps any office or place for the purpose of drawing any lottery not authorized by Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."

Keeping lottery-office.

"And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to one thousand rupees."

11. Section three hundred and seven of the said Code shall be read as if the following clause were added thereto :—

"When any person offending under this section is under sentence of transportation for life, he may, if hurt is caused, be punished with death."

Attempts by life-convicts.

12. After section three hundred and four of the same Code, the following section shall be inserted :—

“304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Causing death
by negligence.

13. The following chapters of the same Code, namely, IV (*General Exceptions*), V (*Of Abetment*), and XXIII (*Of attempts to commit Offences*) shall apply to offences punishable under the said sections 121A, 294A and 304A, and the said chapters IV and V shall apply to offences punishable under the said sections 124A and 225A.

Application of
certain chapters
of Penal Code.

Order of Local
Government
necessary to pro-
secutions.

14. No charge of an offence punishable under any of the said sections 121A, 124A and 294A shall be entertained by any Court unless the prosecution be instituted by order of, or under authority from, the Local Government.

Saving of spe-
cial and local
laws.

15. Nothing contained in this Act shall be taken to affect any of the provisions of any special or local law.

(Sections 16, 17, and the two schedules which follow are repealed by Act X of 1872.)

ACT NO. XIX OF 1872.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
*(Received the assent of the Governor General on the 29th
August 1872).*

An Act to amend the definition of 'Coin' contained in
the Indian Penal Code.

WHEREAS it is expedient to amend the definition of
Preamble. 'coin' contained in the Indian Penal
Code, section two hundred and thirty;
It is hereby enacted as follows :—

1. For the first paragraph of the said section, the
Amendment following shall be substituted :—
of section 230,
Act XLV of 1860.

"230. Coin is metal used for the time being as money,
'Coin' defined. and stamped and issued by the authority
of some State or Sovereign Power in
order to be so used."

ACT NO. VIII 1882.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL,

*(Received the assent of the Governor General on the
2nd March, 1882).*

An Act to amend the Indian Penal Code.

FOR the purpose of amending the Indian Penal Code :

It is hereby enacted as follows :—

Preamble.

1. In the second clause of section 40 of the said Code,
Amendment of
section 40, clause
2 of Indian Penal
Code. before the figure "109," the figures "64,
65, 66, 71," shall be inserted.

2. In section 64 of the said Code, for the first twelve
Amendment of
section 64 of
same Code. words, the following shall be substituted,
namely :—

"In every case of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

"and in every case of an offence punishable with fine only, in which the offender is sentenced to a fine."

3. In section 67, after the words "fine only," the
Amendment of
section 67, of
same Code. words "the imprisonment which the Court imposes in default of payment of the fine shall be simple, and" shall be inserted.

4. To section 71 of the said Code, the
Addition to
section 71, of
same Code. following clause shall be added :—

"Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or

"where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence,

"the offender shall not be punished with a more severe punishment than the Court which, tries him could award for any one of such offences."

Amendment of
section 73 of
same Code.

5. In section 73 of the said Code, for the words "be less than a" the words "shall not exceed one" shall be substituted.

New Excep-
tion to section
214 of same
Code.

6. In section 214 of the said Code, for the Exception, the following shall be substituted, namely :—

Exception.—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

Amendment of
section 309 of
same Code.

7. In section 309 of the said Code, for the last seven words the words "or with fine or with both" shall be substituted.

Amendment of
section 335 of
same Code.

8. In section 335 of the said Code, before the word "causes" the word "voluntarily" shall be inserted.

9. In section 410 of the said Code, after the words "designated as 'stolen property'" the following words shall be inserted, namely :—"whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without British India"; and the words "offence of" shall be omitted.

Amendment of
section 410 of
same Code.

Addition to
section 435 of
same Code.

10. In section 435 of the said Code, after the words "or upwards" the following words shall be inserted, namely :—

"or (where the property is agricultural produce) ten rupees or upwards."

Local extent.
Commencement.

11. This Act extends to the whole of British India; and shall come into force on the first day of January, 1883,

THE PRISONERS' ACT, 1871.

CONTENTS.

PREAMBLE.

SECTION.

I.—PRELIMINARY.

1. Short title.
Local extent.
Commencement.
2. Repeal of Acts.

II.—PRISONERS IN THE PRESIDENCY TOWNS.

3. Warrants and writs to be directed to Police Officers.
4. Power to appoint Superintendents of Presidency Prisons.
5. Superintendents to detain persons committed.
6. Superintendents to return writs, &c., after execution or discharge.
7. Delivery of persons sentenced to imprisonment or death.
8. Delivery for intermediate custody of persons sentenced to transportation or penal servitude.
9. Order under Mutiny Act for intermediate custody.
10. Committals by High Court in execution of a decree or for contempt.
11. Delivery of persons sentenced by Police Magistrate.
12. Delivery of persons committed by Justice or Magistrate or Coroner for trial by High Court.

SECTION.

13. Custody pending enquiries under Act XXIII of 1861, section 8.
14. Delivery of persons arrested in pursuance of warrant of High Court or Small Cause Court.
15. Warrants under Regulations for confinement of State prisoners.

III.—PRISONERS IN THE MOFUSSIL.

16. Officers in charge of prisons may give effect to sentences of certain Courts.
17. Warrant of officer of such Court to be sufficient authority.
18. Procedure where jailor doubts the legality of warrant sent to him for execution.
19. Imprisonment in British India of persons convicted of certain offences in Native States.
Proviso.
20. Certificate of Conviction.
Copy of Proceedings.

IV.—CONVICTS SENTENCED TO PENAL SERVITUDE.

21. Persons sentenced to penal servitude where sent, and how dealt with.
Intermediate imprisonment.
Time of intermediate imprisonment to count in discharge of sentence.
22. Law respecting convicts sentenced to transportation or imprisonment with hard labour applied to persons sentenced to penal servitude.
23. Power to grant license to convict sentenced to penal servitude.
24. Holder of license to be allowed to go at large.
25. Apprehension of convict where license revoked.
26. Execution of warrant.

SECTION.

- 27. Apprehended convict to be brought up for re-commitment.
- 28. Re-commitment.
- 29. Penalty for breach of condition of the license.

V.—REMOVAL OF PRISONERS.

- 30. Removal from one jail to another in territories under Local Government.
- 31. Removal of lunatic prisoners.
Remand on recovery.
Discharge.
Act XXXVI of 1858, section 9, applied to prisoners in lunatic asylum.
- 32. Government of India may order removal of prisoners from one prison to another.

VI.—MANAGEMENT OF TRANSPORTED CONVICTS.

- 33. Power to appoint persons to whom convicts shall be delivered.
- 34. Power to make rules as to convicts.

VII.—DISCHARGE OF CONVICTS.

- 35. Discharge of convicts recommended for pardon. Schedule.

ACT NO. V OF 1871.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 27th January 1871).

An Act to consolidate the laws relating to Prisoners confined by order of a Court.

For the purpose of consolidating the laws relating
Preamble. to prisoners confined by order of a Court;
It is hereby enacted as follows :—

I.—PRELIMINARY.

Short title. 1. This Act may be called “The Prisoners’ Act, 1871.”

Local extent. It extends to the whole of British India ;

The third para is Repealed by Act XVI of 1874.

2. *Repealed by Act XII of 1873.*

II.—PRISONERS IN THE PRESIDENCY TOWNS.

3. All writs or warrants for the arrest or apprehension of any person, issued or awarded by the High Court in the exercise of its ordinary, extraordinary, or other criminal jurisdiction, shall be directed to and executed by any officer of Police within the local limits of such jurisdiction.

Warrants and writs to be directed to Police Officers.

4. The Local Government may appoint officers who shall have authority to receive and keep prisoners committed to their custody under the provisions of this Part.

Power to appoint Superintendents of Presidency Prisons.

All such officers appointed under any Act hereby repealed, shall be deemed to be appointed under this Act.

Such officers shall be called, in Calcutta, the Superintendent of the Presidency Prison, in Madras, the Superintendent of Prisons for the town of Madras, and in Bombay, by such title or respective titles as the Local Government from time to time directs,

Every such officer is hereinafter referred to as 'the Superintendent.'

5. The Superintendent is hereby authorized and required to keep and detain all persons duly committed to his custody pursuant to the provisions of this Act, or otherwise, by any Court, Judge, Justice of the Peace, Magistrate of Police, Coroner, or other public officer lawfully exercising civil or criminal jurisdiction according to the exigency of any writ, warrant or order by which such person has been committed, or until such person is discharged by due course of law.

Superintendents to detain persons committed.

6. The Superintendent shall forthwith after the execution of every such writ, order, or warrant, except warrants of commitment for trial, or after the discharge of the person committed thereby, return such writ, order or warrant to the Court or other officer by which or by whom the same has been issued or made, together with a certificate endorsed thereon and signed by the Superintendent, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

Superintendents to return writs, &c., after execution or discharge.

7. Whenever any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the said Superintendent, together with the warrant of the said Court, and such warrant shall be executed by the Superintendent and returned by him to the High Court when executed.

Delivery of persons sentenced to imprisonment or death.

8. Whenever any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude, the Court shall cause him to be delivered for intermediate custody to the Superintendent, and the imprisonment of such person shall have effect from such delivery.

Delivery for intermediate custody of persons sentenced to transportation or penal servitude.

9. Whenever any Judge of a High Court makes under any Act for the time being in force for punishing mutiny and desertion, and for the better payment of the Army and their quarters, an order for the intermediate custody of an offender sentenced by a Court Martial holden in India, the Judge shall order such offender to be detained for intermediate custody by the Superintendent.

Order under Mutiny Act for intermediate custody.

10. Whenever any person is committed by the High Court, whether in execution of a decree or for contempt of Court, or other cause, he shall be taken by the officer to be appointed for that purpose by such Court, and shall be delivered to the Superintendent, together with a warrant of commitment.

Committals by High Court in execution of a decree or for contempt.

11. Whenever any person is sentenced by a Magistrate of Police for the town of Calcutta, Madras, or Bombay, to imprisonment, either absolutely or for default of payment of any fine imposed by any such Magistrate,

Delivery of persons sentenced by Police Magistrate.

or is committed to prison for failure to find security to keep the peace and to be of good behaviour, the Magistrate shall cause him to be delivered to the Superintendent, together with a warrant of the Court.

12. Every person committed by a Justice of the Peace or Magistrate or Coroner for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered to the Superintendent, together with a warrant of commitment, directing him to have the body of such person before the Court for trial, and the Superintendent shall, as soon as practicable, cause such person to be taken before the Court at a Criminal Session of the said Court, together with the warrant of commitment, in order that he may be dealt with according to law.

13. Pending any such enquiry as is mentioned in section eight of Act No. XXIII of 1861 (*to amend Act VIII of 1859*), which the High Court considers it necessary to make, the defendant may be delivered by the officer of the said Court to the Superintendent, subject to the provisions as to deposit of fees and as to release on security contained in the same section,

and the Superintendent is hereby authorized and required to detain such defendant in safe custody until he is re-delivered to the officer of the Court for the purpose of being taken before the said Court in pursuance of an order of the said Court or of a Judge thereof, or until he is released by due course of law.

14. Every person arrested in pursuance of a writ, warrant, or order of the High Court, in the exercise of its original civil jurisdiction, or in pursuance of a warrant of any Court established in Calcutta, Madras, or

Bombay under Act No. IX of 1850 (*for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay*),

or in pursuance of a warrant issued under section three of this Act,

shall be brought without delay before the Court by which, or by a Judge of which, the writ, warrant, or order was issued, awarded, or made, or before a Judge thereof, if the said Court, or a Judge thereof, is then sitting for the exercise of original jurisdiction ;

and if such Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, shall, unless a Judge of the said Court otherwise orders, be delivered to the Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof, for the exercise of original jurisdiction, in order that such person may be dealt with according to law ;

and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

15. Any warrant of commitment under Regulation III of 1818 of the Bengal Code (*for the Confinement of State Prisoners*), Regulation II of 1819 of the Madras Code (*for the Confinement of State Prisoners*), and Regulation XXV of 1827 of the Bombay Code (*for the Confinement of State Prisoners, and for the Attachment of the Lands of Chieftains and others, for Reasons of State*), may be directed to the Superintendent in the same manner as the same might have been directed to the Sherif under Act No. XXXIV of 1850 (*for the better Custody of State Prisoners*), and Act No. III of 1858 (*to amend the Law relating to the arrest and detention of State Prisoners*).

Warrants
under Regula-
tions for con-
finement of
State prisoners.

III.—PRISONERS IN THE MOFUSSIL.

16. Officers in charge of prisons situate outside the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras and Bombay, shall be competent to give effect to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal acting under the authority of Her Majesty, or of the Governor-General in Council, or of any Local Government.

17. A warrant under the official signature of an officer of such Court or tribunal shall be sufficient authority for holding any prisoner in confinement, or for sending any prisoner for transportation beyond sea, in pursuance of the sentence passed upon him.

18. Any officer in charge of a prison doubting the legality of any warrant sent to him for execution under this Part, or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue such warrant, shall refer the matter to the Local Government, by whose order on the case such officer and all other public officers shall be guided as to the future disposal of the prisoner.

Pending any such reference, the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant.

19. The Local Government may authorize the reception, detention, or imprisonment in any place under such Government, for the periods specified in their respective

convicted of certain offences in Native States. sentences, of persons sentenced within the territories of any Native Prince or State in alliance with Her Majesty to imprisonment or transportation for any of the following offences :—

counterfeiting coin,
uttering counterfeit coin,
murder,
culpable homicide not amounting to murder,
being a thug,
voluntarily causing grievous hurt,
administering poison,
kidnapping,
selling minors for purposes of prostitution,
rape,
robbery,
dacoity,
dacoity with murder,
robbery or dacoity with attempt to cause death or grievous hurt,
attempt to commit robbery or dacoity when armed with a deadly weapon,
making preparation to commit dacoity,
belonging to a gang of dacoits,
dishonest misappropriation of property,
breach of trust,
house-burning,
house-breaking,
forgery, and
theft of cattle ;
or for an attempt to commit any of the above offences,

or for abetment, within the meaning of the Indian Penal Code, of suicide by burning or burying alive, or of any of the other offences above specified,

or for such other offences as the Governor General in Council, from time to time, by order published in the *Gazette of India*, thinks fit to prescribe :

Provided that such sentences have been pronounced after trial before a tribunal in which an officer of Government, duly authorized in that behalf by such Native Prince or State, or by the Governor General in Council, is one of the presiding Judges.

20. Every officer of Government so authorized as aforesaid shall forward with every prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment or transportation is carried into effect.

IV.—CONVICTS SENTENCED TO PENAL SERVITUDE.

21. Every person sentenced to be kept in penal servitude may, during the term of the sentence, be confined in such prison within British India as the Governor General in Council by general order, from time to time, directs ;

and may, during such time, be kept to hard labour ;

and may, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons sentenced by the convicting Court to rigorous imprisonment may, for the time being, by law be dealt with.

The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge or part discharge of the term of the sentence.

Time of intermediate imprisonment to count in discharge of sentence.

22. All Acts and Regulations now in force within British India, with respect to convicts under sentence of transportation, or under sentence of imprisonment with hard labour, shall, so far as may be consistent with the express provisions of this Act, be construed to apply to persons under any sentence of penal servitude.

Law respecting convicts sentenced to transportation or imprisonment with hard labour applied to persons sentenced to penal servitude.

23. The Governor General in Council may grant to any convict sentenced to be kept in penal servitude, a license to be at large within British India or in such part thereof as in such license is expressed, during such portion of his term of servitude and upon such conditions as to the Governor General in Council seem fit.

Power to grant license to convict sentenced to penal servitude.

The Governor General in Council may at any time revoke or alter such license,

24. So long as such license continues in force and unrevoked, such convict shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such license,

Holder of license to be allowed to go at large.

25. In case of the revocation of any such license as aforesaid, any Secretary to the Government of India may, by order in writing, signify to any Justice of the Peace or Magistrate that such license has been revoked, and require him to issue a warrant for the apprehension of the convict to whom such license was

Apprehension of convict where license revoked.

granted, and such Justice or Magistrate shall issue his warrant accordingly.

26. Such warrant may be executed by any officer to whom it may be directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it had been originally issued or subsequently endorsed by the Justice of the Peace, or Magistrate, or other authority having jurisdiction in the place where the same is executed.

27. The convict, when apprehended under such warrant, shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom it has been issued, or before some other Justice or Magistrate of the same place, or before a Justice or Magistrate having jurisdiction in the district in which the convict is apprehended.

Such Justice or Magistrate shall thereupon make out his warrant under his hand and seal, for the re-commitment of the convict to the prison from which he was released by virtue of the said license.

28. Such convict shall be re-committed accordingly, and shall thereupon be liable to be kept in penal servitude for such further term as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked license, is equal to the term mentioned in the original sentence.

29. If a license be granted under section twenty-three upon any condition specified therein, and the convict to whom the license is granted violates any such condition,

or goes beyond the limits specified in the license, or, knowing of the revocation of such license, neglects

forthwith to surrender himself, or conceals himself, or endeavours to avoid being apprehended,

he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence.

V.—REMOVAL OF PRISONERS.

*"30. When any person is, or has been, sentenced to imprisonment by any Court, or, in default of giving security for keeping the peace or maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Local Government, or (subject to its orders and under its control) the Inspector General of Prisons, may order his removal during the period for which he has been sentenced to imprisonment or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of imprisonment within the territories subject to the same Local Government.

Removal from one jail to another in territories under same Local Government.

*"31. (1) Whenever it appears to the Local Government that any person detained or imprisoned under any order or sentence of any Magistrate or Court is of unsound mind, that Government, by a warrant setting forth the grounds of belief that the person is of unsound mind, may order his removal to a lunatic asylum or other place of safe custody within the territories subject to the same Local Government, there to be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

"(2) When it appears to the Local Government that the prisoner has become of sound mind, that Government, by a warrant directed to the person having charge of the prisoner, shall, if the prisoner is still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the territories subject to the same Local Government, or if the prisoner is no longer liable to be kept in custody, order him to be discharged.

"(3) The provisions of section 9 of Act XXXVI of 1858 (*relating to Lunatic Asylums*) shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Magistrate or Court to undergo.

"(4) In any case in which a Local Government is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the territories subject to the same Local Government, the Governor General in Council may order his removal to any lunatic asylum or other place of safe custody in any part of British India; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed by order of a Local Government shall, so far as they can be made applicable, apply to a prisoner removed by order of the Governor General in Council.

* 32. When any person is, or has been, sentenced to imprisonment by any Court, or, in default of giving security for maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Governor General in Council may order

Removal of prisoners from territories under one Local Government to territories under another.

* See Sec. 35, Act No. X of 1886.

his removal during the period for which he has been sentenced to imprisonment or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of imprisonment in British India.

VI.—MANAGEMENT OF TRANSPORTED CONVICTS.

***33.** The Governor General in Council may, from time to time, appoint places within British India to which persons sentenced to transportation shall be sent : and the Local Government, or some officer duly authorized in this behalf by the Local Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence.

Governor General in Council to appoint places to which persons sentenced to transportation shall be sent.

Local Government to direct removal of such persons to places appointed.

34. The Governor General in Council may, from time to time, prescribe rules as to the following matters :—

Power to make rules as to convicts.

the classification of convicts ;
their confinement, treatment, discipline, and employment ;
their punishment for misbehaviour, disorderly conduct, neglect, or disobedience ; and
the manner in which the proceeds (if any) of their employment shall be disposed of.

VII.—DISCHARGE OF CONVICTS.

35. Any Court established under the twenty-fourth and twenty-fifth of Victoria, chapter one hundred and four, may in any case in which it has recommended to Her Majesty the granting of a free pardon to any convict, permit him to be at liberty on his own recognizance.

Discharge of convicts recommended for pardon.

Schedule.—Repealed by Act XII of 1873.

* See Sec. 2 Act No. IX of 1862.

THE PRISONERS' TESTIMONY ACT, 1869.

CONTENTS.

Preamble.

PART I. PRELIMINARY.

SECTION.

1. Short title.
2. Presidency Small Cause Courts.
Police Magistrates.

PART II. BRINGING UP PRISONERS.

3. Criminal Courts may make orders under Act.
 4. Civil Courts may make orders under Act.
 5. Court to countersign orders.
Statement of facts necessitating order.
 6. Order to be transmitted through Magistrate of the
District in which the person is confined.
 7. Order by High Court for removal of person confined
more than 100 miles from place where his evidence
is required.
 8. Persons confined beyond limits of appellate jurisdic-
tion of High Court.
 9. Prisoner to be brought up.
 10. Power to Government to exempt certain prisoners
from operation of Act.
 11. When jailor may disobey orders.
-

PART III.
COMMISSIONS.

12. Commission for examination of prisoners.
 13. Commission for examination of prisoners beyond limits of appellate jurisdiction of High Court.
 14. Commission how to be directed.
-

PART IV.
SERVICE OF PROCESS OF PRISONERS.

15. Process how served on prisoners.
 16. Process served to be transmitted at prisoner's request.
-

PART V.
MISCELLANEOUS.

17. Deposit of costs.
 18. Power to make rules.
 19. Publication of rules
 20. Power to declare who shall be deemed 'officer in charge of jail.'
- Schedule forms.

ACT NO. XV OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 4th
June 1869.)*

*An Act to provide facilities for obtaining the evidence and
appearance of prisoners and for service of process upon
them.*

Whereas it is expedient to provide facilities for obtain-
ing the evidence and appearance in Court
Preamble. of prisoners and for service of process upon
them ; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be called "The Prison-
ers' Testimony Act, 1869."

2. For the purposes of this Act, the Courts of Small
Presidency Causes established within the local limits
Small Courts. of the ordinary original civil jurisdiction
of the High Courts of Judicature at Fort
William, Madras and Bombay, and the Courts of persons
exercising the powers of a Magistrate of
Police Magis- Police within the same limits, shall be
trates. deemed to be respectively subordinate to
the said High Court.

PART II.

BRINGING UP PRISONERS.

3. Any Criminal Court not inferior to the Court of a Subordinate Magistrate of the first class may in its discretion, if it appear that the testimony of any person confined in any jail situate within the local limits of its appellate jurisdiction, if the Criminal Court be a High Court, or, if it be not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter depending in such Criminal Court, or if a charge of an offence against such person is made or pending, make an order in the form in schedule A or schedule B (as the case may be) to this Act annexed, directed to the officer in charge of the said jail.

4. Any Civil Court may in its discretion, if it appear that the testimony of any person confined in any jail situate within the local limits of its appellate jurisdiction, if the Civil Court be a High Court, or, if it be not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter depending in such Civil Court, make an order in the form in the said schedule A, directed to the officer in charge of the said jail.

5. When such order is made in any civil matter pending in a Court subordinate to the Court of the District Judge, or in any Court of Small Causes situate outside the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William in Bengal, Madras and Bombay, it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until the same shall have been submitted to, and countersigned by, such Judge, or the District Judge within the local limits of whose jurisdiction such Court of Small Causes is situate.

Every order so submitted shall be accompanied by a statement of the facts necessitating order. of the facts which in his opinion render such order necessary, and the District Judge may, after considering such statement, decline to countersign the order.

6. When any person for whose attendance an order as hereinbefore mentioned shall be made is confined in any District other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it shall have been made or countersigned to the Magistrate of the District or division of a District in which the said person is confined, and such Magistrate shall cause it to be delivered to the officer in charge of the jail in which such person is confined.

7. In any case in which a person is confined in a jail within the local limits of the ordinary original civil jurisdiction of any of the High Courts of Judicature at Fort William, Madras and Bombay, or in a jail more than one hundred miles distant from the place where any Court, subordinate to a High Court, in which his evidence is required, is held, the Judge or presiding officer of the Court in which the evidence is so required shall, if he think it expedient that such person should be removed under this Act for the purpose of giving evidence in such Court, and if the said jail is situate within the local limits of the appellate jurisdiction of the High Court to which such Court is subordinate, apply in writing to the same High Court, and such High Court may, if it think fit, make an order in the form in the said schedule A, directed to the officer in charge of the said jail.

The High Court making the order shall send it to the Magistrate of the District or division of a District in which the person named therein is confined, and such

Magistrate shall cause the order to be delivered to the officer in charge of the jail in which such person is confined.

* For the purposes of this Act every jail in British Burma shall be deemed to be situate within the local limits of the appellate jurisdiction of the Judicial Commissioner : and the Recorder of Rangoon may issue orders, under this section or sections three or four and may also issue commissions under Part III of this Act in any jail in British Burma.

8. In any case in which a person is confined within a jail situate beyond the local limits of the appellate jurisdiction of a High Court, any Judge of such Court may, if he think it expedient that such person should be removed under this Act, for the purpose of giving evidence in any criminal matter in such Court or in any Court subordinate thereto, apply in writing to the Local Government within the territories subject to which the said jail is situate ; and such Government may, if it think fit, direct that such person shall be so removed, subject to such rules regulating the escort of such prisoners as the Governor General of India in Council may from time to time prescribe.

To obtain the removal of a person confined in a jail situate beyond the territories for the time being under the administration of the Chief Commissioner of British Burma for the purpose of giving evidence in any criminal matter in the Court of a Recorder, † such Recorder shall have the power conferred on a Judge of a High Court by the former part of this section, and the other provisions of such part shall, *mutatis mutandis*, apply.

9. Upon delivery of any order under this Act to the officer in charge of the jail in which the person named therein is confined, such officer shall cause him to be taken to the

Persons confined beyond limits of appellate jurisdiction of High Court,
Prisoners to be brought up.

* See Sec. 78, Act No. VII of 1872.

† See Act XVI of 1874.

Court in which his attendance is required, so as to be present in such Court at the time in such order mentioned; and shall cause him to be detained in custody in or near the Court until he shall have been examined or until the Judge or presiding officer of such Court shall authorize him to be taken back to the jail in which he was confined.

10. The Governor General of India in Council or the Local Government may, from time to time, by notification in the official Gazette, direct that any person or any class of persons shall not be removed from the jail in which he or they may be confined; and thereupon, and so long as such notification remains in force, the provisions of this Act, other than those contained in sections twelve, thirteen and fourteen, shall not apply to such person or class of persons.

11. When any person named in any order made under section three, section four, or section seven appears to be from sickness or other infirmity unfit to be removed, the officer in charge of the jail in which he is confined shall apply to the Magistrate of the District or division of a District in which such jail is situate, and if such Magistrate shall by writing under his hand declare himself to be of opinion that such person is from infirmity unfit to be removed;

or when any person named in any such order is under committal for trial;

or under a remand pending trial or pending a preliminary investigation.

or when any such person is in custody for a period which would expire before the expiration of the time required for removing him under this Act and for taking him back to the jail in which he is confined;

then and in every such case the officer in charge of the jail shall abstain from obeying such order, and shall send

to the Court from which the order has been issued, a statement of his reason for not obeying the same :

Provided that the said officer shall not so abstain when the order has been made under section three,

and the person named in the order is confined under committal for trial or under a remand pending trial or pending a preliminary investigation, and does not appear to be from sickness or other infirmity unfit to be removed,

and the place where his evidence is required is not more than five miles distant from the jail in which he is confined.

PART III.

COMMISSIONS.

12. Whenever it shall appear to any Civil Court that the evidence of a person confined in any jail situate within the local limits of the appellate jurisdiction of such Court, if it be a High Court, or, if it be not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, who for any of the causes mentioned in section ten or section eleven cannot be brought up before it, is material in any matter depending before such Court,

and whenever it shall appear to any such Court that the evidence of a person confined in any jail so situate and more than ten miles distant from the place at which such Court is held, is material in any such matter,

and in any case in which the District Judge shall under section five have declined to countersign the order for removal,

the Court may, if it think fit, issue a commission under the provisions of the Code of Civil Procedure for the examination of such person in the jail in which he is confined,

13. Whenever it shall appear to any High Court that the evidence of a person confined in a jail situate beyond the local limits of its appellate jurisdiction is material in any civil matter depending before such Court, or before any Court subordinate thereto, the High Court may, if it think fit, issue a commission under the provisions of the Code of Civil Procedure for the examination of such person in the jail in which he is confined.

14. Every commission issued under section twelve or section thirteen shall be directed to the District Court of the District wherein the jail in which such person is confined is situate, and such Court shall commit the execution of the commission to the officer in charge of such jail, or to such other person as the Court thinks fit.

PART IV.

SERVICE OF PROCESS ON PRISONERS.

15. When any process directed to any person confined in any jail is issued from any Court, the same may be served by exhibiting to the officer in charge of such jail or prison the original of such process, and by depositing with him a copy thereof.

16. Every officer in charge of a jail upon whom any such service as is mentioned in section fifteen shall be made, shall, as soon as may be, cause the copy of the process so deposited with him to be shown and explained to the prisoner to whom it is directed, and shall thereupon endorse upon such process a certificate signed by him that the prisoner to whom the process is directed is a prisoner in the jail under his charge, and that he has received a copy thereof.

Such certificate shall be sufficient *prima facie* evidence of the service of such person ; and if the prisoner requests that the said copy be sent to any other person, and provides the cost of so sending it, the said officer shall cause the same to be so sent through the Post Office by registered letter.

PART V.

MISCELLANEOUS.

17. No order in any civil matter shall be made by a Court under any of the provisions herein-
Deposit of costs. before contained until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court :

Provided that if upon any application for such order it appear to the Court to which the application is made that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such Court, and every sum so expended may be recovered by Government from any person ordered by the Court to pay the same, as if it were costs of suit recoverable under the Code of Civil Procedure.

18. It shall be lawful for the Local Government, and in cases arising under section eight, for
Power to make rules. the Governor General of India in Council, to make rules consistent with this Act

(1) for regulating the escort of prisoners to and from the Court in which their presence is required ;

(2) for regulating the amount to be allowed for the costs and charges of such escort ; and

(3) for the guidance of Officers in all other matters connected with the enforcement of this Act ;

and from time to time to alter and add to the rules so made.

19. All such rules, alterations and additions shall be published in the official Gazette, and shall, from the date of such publication, be deemed to have the force of law.

Publication of rules.

Power to declare who shall be deemed officer in charge of jail.

20. The Local Government may also declare in each case what officer shall, for the purposes of this Act, be deemed to be 'the officer in charge of the jail.'

SCHEDULE A.

Court of

To the officer in charge of the (state name of jail)

You are hereby required to have the body of ,
now a prisoner in under safe and sure conduct
before the at on the day
of next by of the clock in the forenoon
of the same day, there to give testimony in a cause now
pending before [or in a certain charge or prosecution now
pending before against or as
the case may be] and, after the said

shall then and there have given his
testimony before the said or the said
shall dispense with his further attendance,
cause him to be conveyed under safe and sure conduct back
to the said jail.

day of

A. B.

(Countersigned) C. D.

SCHEDULE B.

Court of

To the officer in charge of the (state name of jail)

You are hereby required to have the body of
now a prisoner in under safe and sure conduct
before the at on the day
of next by of the clock in the forenoon
of the same day, there to answer a charge now pending be-
fore and, after such charge shall have been
disposed of or the said shall dispense with his
further attendance, cause him to be conveyed under safe and
sure conduct back to the said jail.
day of

A. B.

(Countersigned) C. D.

INDEX

TO THE CODE OF CRIMINAL PROCEDURE.

(ACT X. of 1882.)

Abatement of appeals 431.

Abducted females, power to compel restoration of 551.

Abetment of breach of the peace, security on conviction of 106, of any offence punishable with imprisonment in any place constitutes breach of bond for good behaviour 121, may be inquired into and tried where offence was abetted or where offence abetted was committed 180, ill. (a), when one person is accused of committing, and another of abetting, an offence, they may be charged and tried either together or separately 239, of certain offences may be tried summarily 260 (i), of certain offences, authority to confer on certain benches power to try summarily 261 (c), of compoundable offences, may be compounded 345, p. 3, of suicide, form of charge of sch. v, form xxviii (7).

Abode of absconder, proclamation requiring appearance, to be affixed in 87, p. 2 (b), see *Place, Publication*.

Absconder, publication of proclamation for 87, pp. 1 & 2, attachment of property of 88, pp. 1, 2, 3, 4, disposal of attached property of, 88, p. 6, restoration of attached property to, 89, issue of warrant in lien of, or in addition to, summons, in order to check, 90 (a), record of evidence when accused has absconded 512.

Absence of charge, procedure by appellate court or court of confirmation or revision in respect of 232, of witness, power to order postponement or adjournment on 344, p. 1, of accused, record of evidence in 512.

Absolute conditional order for removal of nuisance when to be

Absolute—conclid.

made 136, procedure on order for removal of nuisance being made 140, pp. 1, 2.

Abstention from certain act, issue of order in urgent cases of nuisance requiring 144, p. 2.

Acceptance by magistrate of modification by jury in order for removal of nuisance 139, p. 1.

Accepting bribe, form of charge of sch. v. form xxviii (8).

Accident, police to enquire into and report on deaths caused by 174, amendment of wrong verdict delivered by 304, see *Fire*.

Account certifying fact of record of confession before trial containing full and true 164, p. 3, of accused's statement, magistrate or judge to certify that record contains full and true 361, p. 2.

Accounts, power to make rules for keeping of, by subordinate courts 553 (a).

Accused, what statements not to be used against 162, discretion as to sending of, to magistrate 167, p. 1, forwarded to magistrate, power to authorize detention of 167, p. 2, when to be sent on to magistrate having jurisdiction 167, p. 2, release of, after investigation, on executing bond for appearance 169, when to be sent to magistrate or required to give bond for appearance 170, p. 1, not entitled to see police diaries at inquiry or trial 172, p. 2, forwarded in custody or released on bond, report regarding 173, p. 1, magistrate to pass orders on release of, on bond after investigation 178, p. 3, triable in district where act done, or consequence ensues 179, need not be named in sanction for prosecution for con

Accused—contd.

tempt 193, p. 2, personal attendance of, may be dispensed with, and afterwards enforced 205, pp. 1, 2, magistrate to take all evidence produced on behalf of, issue process for further evidence when desired by 208, p. 2, discharge of, on inquiry 209, examination of supplementary witnesses in presence of 219, p. 2, custody of, pending trial by court of session or high court 220, alterations in charge to be explained to 227, p. 2, to be asked to show cause against conviction 242, when to be heard in defence, in summons-case 244, p. 2, issue of process for further evidence on application of 244, p. 2, examination of, prior to acquittal, optional 245 p. 1, release of, when no complainant 249, to be asked to plead 255, p. 1, issue of process for further evidence on application of 257, p. 1, entry on record of name, parentage, residence, plea and examination of 263 (e), (g), to be asked to plead or claim to be tried in trials before high courts and courts of session 271, p. 1, objections to jurors by 277, pp. 1, 2, examination of, recorded by or before magistrate, to be read as evidence 287, to be asked whether he means to adduce evidence : his prior examination optional ; procedure on his replying 289, opening case, examining witnesses and summing up by 290, right of, as to witnesses not named at first 291, treatment of, when verdict submitted by sessions judge to high court 307, p. 2, right of, to be defended 340, not understanding proceedings, procedure in case of 341, may at any time be examined ; not liable for false answers or for refusal to answer ; answers may be given in evidence ; no oath to be administered 342, no influence to be used to induce or prevent disclosure by 343, remand of, on postponement or adjournment of proceedings ; term of custody 344, p. 1, & prov. when to be forwarded to higher authority 349, p. 1,

Accused—concl'd.

what evidence to be taken in presence of 353, what evidence to be read over to witnesses in presence of 360, p. 1, interpretation of evidence to 361, p. 1, examination of, when to be recorded and when not 364, or his pleader, judgment to be pronounced in presence of 366, record of name, parentage, residence, plea and examination of, in presidency magistrate's judgment 370 (d), (f), judgment to be explained and copy of translation given to 371, p. 1, copy of heads of charge to jury to be given to 371, p. 2, sentenced to death, to be informed of period allowed for appeal 371, p. 3, right of, to require translation of judgment to be added to record 372, to be sent to jail with warrant for execution of sentence 383, notice of appeal against acquittal to be given to 422, when to be brought up to hear judgment on appeal 424, prov., or his pleader, additional evidence for appellate court ordinarily to be taken in presence of 428, p. 3, abatement of appeal on death of 431, treatment of, pending decision of reference by presidency magistrate to high court 432, when to have hearing by court of revision 439, p. 2, in cases of contempt, &c., may be sent to district magistrate in custody, or security taken 476, p. 1, 482, p. 1, deposition of medical witness taken in presence of, may be given in evidence 509, p. 1, record of evidence in absence of 512, payment of prosecutor's costs by, on transfer ordered by high court on his application ; to give notice to public prosecutor 526, pp. 4, 5, form of summons to sch. v, form i, of proclamation requiring appearance of sch. v. form iv.

Acquittal, withdrawal of remaining charges, on conviction on one of several, to have effect of 240, in summons case 245, p. 1, in summons cases on non-appearance of complainant 247, on withdrawal of complaint 248, in warrant-case 258, p. 1, record of judgment of, in jury trials before

Acquittal—concl'd.

court of session 306, p. 2, judge's entry against retrial after discharge of jury to operate as an 308, discharge of defendant on advocate general staying prosecution not to amount to an 338, composition to have effect of 345, p. 5, judgment of 367, p. 4, high court may order, when sentence is submitted for confirmation 376 (c), sessions judge may order, when sentence is submitted for confirmation 380 (c), or conviction, previous 403, for certain purposes, proceedings which do not operate as an 403 exp. appeal on behalf of government against an 417, notice of appeal against, to be given to accused 422, powers of appellate court in reference to appeal from 423 (a), by appellate court 423 (b), arrest of accused in appeal against 427, abatement of appeal against 431, finding of, not convertible into conviction by court of revision 439, p. 4, on ground of lunacy, accused to be kept in safe custody in case of 470, 471, upon withdrawal of public prosecutor from prosecution 494 (b), previous, how proved 511.

Act xxiii of 1840 repealed 2 & sch. i, xxxiv of 1850, provision as to *habeas corpus* not to affect 491, p. 3 iii of 1858, provisions as to *habeas corpus* not to affect 491, p. 3, xlv of 1860, section 214, illustrations repealed 2 & sch. i, v of 1861, repealed in part 2 & sch. i, xxv of 1861, references in former acts to 3, p. 1, xviii of 1862, repealed 2 & sch. i, vi of 1864, section 7, repealed 2 & sch. i, viii of 1867 (Madras) repealed in part 2 & sch. i, ii of 1869 repealed 2 & sch. i, xv of 1869, power to order up prisoner for examination notwithstanding 542, xx of 1869, duty of officer commanding volunteers under, on call to disperse assembly 150, vii of 1870, see *Court-fees act*, xxii of 1870 repealed 2 & sch. i, iv of 1872 repealed in part 2 & sch. i, x of 1872 repealed 2 & sch. i, x of 1872 references in former acts

Act—concl'd.

to 3, p. 1, x of 1873, jurors sworn under 281, ix of 1874, enactments not applicable to cases falling under, 111, xi of 1874 repealed 2 & sch. i, xv of 1874 repealed in part 2 & sch. i, x of 1875 repealed in part 2 & sch. i, xx of 1875 repealed in part 2 & sch. i, xviii of 1876 repealed in part 2 & sch. i, iv of 1877 repealed in part 2 & sch. i, xxi of 1879 repealed in part 2 & sch. i.

Acts, several, done in different local areas, place of inquiry or trial of offence consisting of 182, relating to police, authority to empower benches to try summarily certain offences against conservancy clauses of 261, municipal, authority to empower benches to try summarily certain offences against 261 (b).

Addition by accused to his answers 364, p. 1.

Additional sessions judges, appointment of 9, p. 2, may pass any sentence authorized by law 31, p. 2, confirmation by high court of sentences of death passed by 31, p. 2, cases to be tried by 193, p. 2, may hear appeals to court of session 409, appeal from sentences of 410.

Adjourned sitting, jury or assessors to attend at 295.

Adjournment in summons-cases 247, of proceedings, power to order 344, p. 1, of inquiry or trial pending return of commission 508.

Adjudging rights in disputes concerning easements, &c., order pending decision by civil court 147.

Administration of district, duties of officer succeeding to 11, of justice, proceedings in case of certain offences affecting 476—487.

Admissibility of evidence in jury trials, judge to decide as to 298 (a), of statement made by accused, when provisions as to recording it have not been fully complied with 533.

Admission of correctness of confession made before inquiry or trial to be certified 164, p. 3, of accused in trials of summons-cases to be recorded 243, of accused conviction upon 243, not made, procedure in trials of summons-cases when 244.

Admittance to premises to effect arrest, forcing 48.

Adult male member of family of person summoned, leaving copy of summons with, and signature of copy by 70.

Adultery cognizance of, only upon complaint by, or on behalf of, injured husband 199, charge of 221 ill. (c), and house-breaking, joinder of charges of 235, ill. (b), and enticing, joinder of charges of 235, ill. (c), conviction of, only on complaint by, or on behalf of, injured husband 238, p. 3, compoundable 345, p. 1, valid excuse for wife refusing to live with her husband 486, p. 3, prov., wife living in, not entitled to maintenance 488, pp. 4, 5.

Advocate, government, included in *Advocate general* 4 (k), of high court, a pleader, when authorized 4 (n).

"Advocate general," definition of 4 (k), power of, to stay prosecution 333, may conduct prosecution without special permission 496, p. 1, affidavit or affirmation not required from, when applying for exercise of high court's power of transfer 526, p. 3.

Affidavit, as to service of summons 74, motion for exercise of high court's power of transfer when to be supported by 526, p. 3.

Affidavits, swearing of, before courts and persons 539.

Affirmation, motion for exercise of high court's power of transfer when to be supported by 526, p. 3.

Affirmations, making of, before courts and persons 539.

Affixing duplicate of summons to house or homestead of person summoned 14, 71, to certain places

Affixing—*concl'd.*

proclamation requiring appearance of absconder 87, p. 2 (b), to court-house copy of proclamation requiring appearance of absconder 87, p. 2 (c), copy of proclamation regarding removal of nuisance 134, p. 2.

Affray, public to assist magistrates and police in suppression of 42 (e), issue of order in urgent cases of nuisance in view to prevention of 144, p. 2, power of local government to prolong currency of order in case of 144, p. 6.

Age objection to juror on ground of 278 (b), of convict, mode of inflicting whipping dependent upon 392, of convict exceeding forty-five, sentence of whipping not to be passed on male in case of 398 (c), confinement in reformatories of offenders under sixteen years of 399.

Agents of owners or occupiers of land bound to report certain matters 45, of accused not entitled to see police diaries at inquiry or trial 172, p. 2.

Ages, all male persons of certain, liable to serve as jurors or assessors 319.

Aid and information to magistrates, police, and persons making arrests 42—45, to magistrates and police, public to render, when demanded 42, of public in executing warrants of arrest directed to persons other than police-officers 43.

Alienage, objection to juror on ground of 278 (b).

Alteration of orders made in urgent cases of nuisance 144, p. 5, of charge after commitment 226, of charge by court, before judgment, to be read and explained to accused 227, of charge when trial may be proceeded with on 228, of charge when new trial may be directed or trial suspended on 229, of charge, stay of proceedings on, if prosecution of offence in altered charge require previous sanction 230, of charge, recall of witnesses on 231, of order directing trials before court of session to be by jury, power of 269, p. 1, of judgment by court other than

Alteration—concl'd.

high court not allowed 369, in maintenance allowance 489, of order for disposal of property 520.

Alternative, judgment in 367, p. 3.

Alternative charge, specimen of sch. v, form xxviii (ii), (4).

Amendment, of charges of offences against public justice, &c., 195, p. 3, of jury's verdict 304.

American, fact to be mentioned in list when juror or assessor for court of session is an 321, p. 2, see Colonies.

Americans and Europeans, criminal proceedings against 443—463, or Europeans, moiety of jury or assessors for trial of European British subjects when to consist of 451, moiety of jury or assessors for trial of, when to consist of Europeans or 460, or Europeans (not being European British subjects), charged jointly with persons of another race. trial of 461, summoning and empanelling jurors for trial of 462, proceedings against, how conducted 463.

Amount required as security, to be endorsed on warrant of arrest 76, p. 2, of bond, order for showing cause to state 112, of bond ordered under section 118 not to be greater than that mentioned in order under section 112, 118, prov. 1, of bond for keeping peace or for good behaviour, to be reasonable 118, prov. 2, of bonds not to be excessive 498.

Amounts of fines leviable by courts of magistrates of different classes 32 (a), (b), (c).

Animals, police to inquire into and report on deaths caused by 174.

Annoyance to persons lawfully employed, issue of order in urgent cases of nuisance in view to prevention of 144, p. 2.

Annulment of order for disposal of property 520.

Answer, what questions witness at police investigation bound to 161,

Answer—concl'd.

p. 2, may refuse to 161; p. 2, witnesses at police investigation into sudden or unnatural death bound to 175, p. 1, to question put by judge in order to ascertain jury's verdict, to be recorded 303, p. 2, accused not liable for refusal to, or for giving false, but court and jury to draw their inferences; may be given in evidence 342, pp. 2, 3, mufassal magistrate or sessions judge taking evidence in certain cases may record any 359, presidency magistrate taking evidence in certain cases may record any 362, p. 2, given by accused to be recorded in full: accused may explain or add to 364, p. 1, imprisonment or committal on refusal to 485.

Apartment occupied by *parda nishin* woman, breaking open, in order to effect arrest 48 prov.

Apology, discharge of offender or remission of punishment on 484.

Appeal or revision, highest court of, a High court, except in certain cases 4 (i), combined sentence on simultaneous conviction of several offences, deemed single sentence for purposes of 35, p. 3, record in summary trials in cases where there is no 263, an 264, person sentenced to death to be informed of period allowed for 371, p. 3, time to be allowed for, before confirming sentence of death 376 prov., stay of execution of sentence of whipping, pending 391, from order rejecting application for restoration of attached property 405, from order requiring security for good behaviour 406, from sentence of certain magistrates to lie to district magistrate: transfer and withdrawal of 407, from sentence of assistant sessions judge, district magistrate or magistrate of first class 408, to court of session by whom to be heard 409, from sentence of court of session 410, from sentence of presidency magistrate 411, where accused convicted on own plea 412, not allowed in certain petty cases 413, from sentence of imprisonment in default of fine,

Appeal or revision—*conclid.*

when no substantive sentence of imprisonment has been passed 413, *exp.*, not allowed from certain summary convictions 414, in petty cases and in cases of summary convictions 415, and from summary convictions, by European British subjects 416.

Appeal against acquittal 417, on what matter admissible; alleged severity of sentence in matter of law 418 & *exp.*, form of; when to be accompanied by copy of judgment or of heads of charge to jury 419, presentation of, when appellant in jail 420, summary rejection of 421, copy of grounds of when to be given to public prosecutor 422, notice of 422, powers of appellate court in disposing of, 423, high court to certify its judgment or order on 425, suspension of sentence pending 426, against acquittal, arrest of accused in case of 427, taking further evidence on 428, finality of orders on 430, abatement of 431, from conviction of person claiming to be dealt with as an European British subject: burden of proving court's decision wrong to lie on accused 453, pp. 1, 2, decision that person is not an European British subject forms ground of 453, p. 3, from conviction in contempt case 486, from order for recovery of penalty of bond to whom to lie 515, time to be allowed for, in carrying out order for disposal of property 517, p. 3, court of, may direct order for disposal of property to be stayed 520, from order for sale of property seized by, police 524, p. 2, power of high court, to order transfer of, or to withdraw same for trial before itself 526 (2), (3), power of governor-general in council to order transfer of: procedure of receiving court 527, proceedings void when magistrate not empowered decides an 530 (2), time to be allowed for, before paying prosecution expenses or compensation out of fine 545, p. 2, from his own order, judge or magistrate not to hear 555.

Appeals under law regulating municipality of Bombay 20 prov.,

Appeals—*conclid.*

provisions relating to 404—431, not allowed except as provided 404.

Appearance, processes to compel 68—92, of person absconding to prevent execution of warrant, proclamation requiring 87, pp. 1, 2, of absconder, disposal of attached property on failure of 88, p. 6, of absconder, restoration of attached property on 89, issue of warrant in lieu of, or in addition to, summons in order to compel 90, power to take bond for from person present in court 91, arrest on breach of bond for 92, of party called upon to show cause, issue of summons requiring 114, by pleader, of person called upon to show cause against furnishing security for keeping peace 116, to summons issued, inquiry as to truth of information on 117, of party bound for good behaviour, on application of surety to cancel bond 126, pp. 2, 3, of person causing nuisance 133, 135, 136, 137, before magistrate, of person, released after police investigation, bond for 169, of person committing offence in other jurisdiction, power to compel 186, p. 1.

Appellant when in jail, presentation of, appeal by 420, to be heard before summary rejection of appeal 421, p. 1, notice of appeal, when to be given to 422, hearing 423, abatement of appeal on death of 431.

Appellate court, procedure by, in respect of absence of, or error in, charge 232, summary rejection of appeal by 421, to issue notices of appeal 422, powers of 423.

Appellate courts, other than high courts, rules applied to judgments of 424, may order suspension of sentence and admission of prisoner to bail pending appeal 426, p. 1, may take further evidence or direct it to be taken / finality of orders passed by / powers of, in reference to appeal in contempt cases 486, p. 2, or direct order for disposal of property to be stayed 205.

Applicant for jury to inquire into propriety of order for removal of nuisance, nomination of members by 188 (a), preventing appointment of jury for such inquiry, procedure on 141.

Application by sureties for cancellation of bond for good behaviour 126, pp. 1, 2, for jury to inquire into order for removal of nuisance 135, (b), for jury to enquire into such order, procedure on failure to make 136, for jury to enquire into such order, procedure upon 138, for suspension or remission of sentence, procedure upon 401, p. 2, copy of grounds of appeal to be given to public prosecutor on his 422, cf European British subject for order to produce his person 456, procedure thereon 457, of sureties for discharge of bail-bond 502, of subordinate magistrate for issue of commission, district magistrate may reject 506, for exercise of high court's power of transfer, how made: when made by accused, court may require bond for prosecutor's costs; notice and copy of grounds to be given to public prosecutor; time to elapse between notice and hearing 526, pp. 4, 5, 6, of military authorities for apprehension of offenders 549; p. 2.

Appointment of receiver for attachment of absconder's property 88, (b), (f), of jury to inquire into order for removal of nuisance, application for: procedure on failure thereof; procedure upon 135, 136, 138 of such jury, procedure on prevention of 141, of jury, issue of injunction either before or after 142, pp. 1, 2, of police-officer for sending to magistrate reports of suspected cognizable offences 158, p. 1, of foreman by jury 280, p. 1, of foreman by court, failing appointment by jury 280, p. 3, of commission of inquiry in lunacy cases: duties of commission 474, of public prosecutors by government 492, p. 1, of public prosecutors by district or sub-divisional magistrate 492, p. 2, of magistrate to execute commission for examination of witnesses 503, p. 3.

Appointments made under former acts, saved 2, p. 2.

Apprehension of absconder, restoration of attached property on 89, of offenders under magistrate's orders, on requisition of military authorities 549, p. 2.

Armed men, security for keeping peace on conviction of assembling 106.

Arms and ammunition, offences against laws relating to, may be inquired into and tried in presidency-towns 184.

Army, power to arrest without warrant person suspected of deserting from 54, sixthly, requisition on officer commanding soldiers of, for dispersion of assembly 130, p. 1, power of commissioned officer of, to disperse assembly 181, exemption of persons in, from serving as jurors or assessors 320 (g).

Army act, 1381, delivery to military authorities of person triable under 549.

Arrest without warrant, when police-officer may make an 4 (g), not make an 4 (g), public to assist in taking persons whom magistrates and police-officers are authorized to 42 (a), generally 46—53, escape and retaking 46—57, how made 46, p. 1, r-sisting endeavour to effect an 46, p. 2, right to cause death in effecting an 46, p. 3, search of premises in order to effect an 47, breaking open door or window for liberation after entry to effect an 49, search by police-officer of person taken in, by him or by private party 51, seizure and disposal of weapons found by officer or person making an 53, without warrant 54—67, when police may make an 54, of vagabonds 55, without warrant, deputation of subordinate police-officer to make an 56, of committer of non-cognizable offence, on refusal to give name and residence 57, without warrant, beyond jurisdiction 58, by private persons 59, p. detention of offenders arrested by private persons if liable to 59, p. 2, without warrant, party to be taken before magistrate or officer in charge of police-station on 60, without

Arrest—contd.

warrant, detention in custody in cases of 61, report of, to magistrate 62; discharge in case of 63, of person committing offence in magistrate's presence 64, by magistrate, or in his presence 65, of prisoner who has escaped or has been rescued, power of 66, of such prisoner, provisions as to searching applicable to 67, provisions relating to warrant of 75—86, form of warrant of 75, p. 1, continuance of warrant of 75, p. 2, security from persons apprehended under warrant of 76, warrants of, to whom directed 77, execution of warrants of, when directed to several persons 77, p. 2, direction to landholder, &c., of warrants of 78 execution of warrants of, directed to police-officers 79, notification of substance of warrants of 80, under warrant, production of prisoner before court, on 81, warrant of, where may be executed 82, warrant of, forwarded to magistrate for execution outside jurisdiction 83, warrant of, directed to police-officer for execution outside jurisdiction 84, procedure on apprehension outside jurisdiction under warrant of 85, procedure on production of person taken outside jurisdiction under warrant of 86, issue of warrant of, in lieu of, or in addition to, summons 90, on breach of bond for appearance 92, provisions applicable to warrant of 93, of person likely to commit breach of peace 108, p. 1, of person required to show cause, issue of warrant for 114, prov., copy of order to be delivered to person apprehended under warrant of 115, of persons forming part of assembly, use of civil or military force for 128, 130, by military officer, without instructions from magistrate, of persons forming part of assembly 131, to prevent cognizable offence 131, without warrant, power of, not extended to police investigating non-cognizable case 155 p. 3, of offender on suspicion of cognizable offence, taking measures for 157 p. 1, under warrant issued by subordinate magistrate, of person who has committed offence beyond jurisdiction, pro-

Arrest—concl.

cedure on 187, without warrant, person not being magistrate or police-officer holding investigation prior to proceedings being taken upon complaint, not to make an 202, p. 2, offenders attending court may be proceeded against as though they had been taken in 351, p. 1, of person, suspension or remission of whose sentence has been cancelled 401, p. 3, on appeal against acquittal 427, power to order, when accused improperly discharged 436 p. 1, of person accused of non-bailable offence, and released on bail or bond 497, p. 3, issuing warrant of, when bail insufficient 501, issue of warrant on application of sureties for discharge of bail-bond 502, p. 2, compensation in case of groundless 552.

Arrests, aid and information to persons making 42—45.

Articles found upon arrested persons, to be placed in safe custody 51, connected with police investigation, when to be forwarded 170, p. 2.

Assam Investiture of district magistrates with special powers in 30.

Assault, security for keeping peace on conviction of 106, p. 1, and hurt, joinder of charges of 235, *ill.* (i), under penal code, compoundable 345, p. 1.

Assaulting public servant, rioting and grievous hurt, joinder of charges of 235, *ill.* (g), member of governor-general's council, &c., form of charge of sch. v, form xxviii, 1 (2).

Assemblies, unlawful 127—132, to disperse on command of certain officers 127, dispersion of, by civil force 128, by military force 129, procedure in reference to dispersion of, by military force 130, power of military officers to disperse 131, protection against prosecution for acts done in view of dispersing 132.

Assembling armed men, security for keeping peace on conviction of 106, p. 1.

Assessors, warrant not to be issued for attendance of 90, charge may be altered at any time before opinion given by 227, p. 1, trials

Assessors—*contd.*

before court of session to be by jury or with 268, or jurors when to be chosen by high courts and courts of session 272, trial by same, of several offenders in succession 272, prov., choosing 284, 285, how chosen 284, ceasing to attend, procedure on 285, when court may re-ord finding of not guilty in trial with 289, pp. 2, 3, view by 293, p. 1, no person to hold communication with 239, p. 2, to be conducted back to court after view 293, p. 2, when to be examined 294, to attend at adjourned sitting 295, conclusion of trial in cases tried with 309, delivery and record of opinions of 309, p. 1, judge not bound by opinion of 309, p. 2, procedure in case of previous conviction in trial with 310, and jurors for court of session, list of, and summoning 319-332, persons liable to serve as 319, exemptions from service as 320, special liability of persons in army to serve as 320 (*g*), summoning 326, ordinarily not to be summoned more than once in six months 326, p. 2, to be summoned, how chosen 326, p. 2, supplementary summons for 327, form of summons to 328, when government or railway servants may be excused attendance as 329, court of session may excuse attendance of 330, failing to attend at court of session, punishment of 332, further inquiry or additional evidence in reference to sentence submitted to high court for confirmation, not to be made or taken in presence of 375, p. 2, additional evidence, for sessions court, in reference to sentence submitted for confirmation when not to be taken in presence of 380 p. 2, additional evidence for appellate court not to be taken in presence of 428, p. 3, mixed set of, for trial of European British subjects 451, for trial of Europeans (not being European British subjects) and Americans 460, to aid in trying fact of unsoundness of mind when accused appears insane 465, trial by jury of offence triable with 536, p. 1, trial with, of offence triable by jury 536, p. 2, summoning;

Assessors—*concl.*

form of precept to magistrate sch. v, form xxxii, form of summons to sch. v, form xxxiii.

Assistance by local police in execution of warrant of arrest directed to police-officer for execution outside jurisdiction 84, p. 2, to police-officer to enter place suspected to contain, stolen property, forged documents, &c., 98, of civilian for dispersion of assembly 128.

Assistant district superintendent of police, powers as special magistrates not to be conferred on police-officer below grade of 14, p. 4, no police-officer below rank of, to be public prosecutor 492, p. 2.

Assistant sessions judges, appointment of 9, p. 2, subordination of, to session judge, 17, p. 3, framing of rules as to distribution of business among 17, p. 3, sentences which may be passed by 31, p. 3, confirmation of sentences passed by 31, p. 3, cases to be tried by 193, p. 3, procedure in reference to sentences submitted by, for confirmation, 380, appeal from sentences of 406, qualifications required from, in respect of jurisdiction over European British subjects 444.

Attachment, proclamation and 87-89, of property of person absconding to prevent arrest, 88, pp. 1, 2, 3, 4, disposal of absconder's property under 88, p. 6, restoration of absconder's property under 89, of land, &c., occasioning dispute 146, and sale of moveable property of jurors and assessors 332, p. 2, for recovering penalty of bond: issue of warrant; execution; procedure failing recovery 514, pp. 4, 5, 6, void when ordered by magistrate not empowered 530 (*a*), forms of orders of, to compel appearance; and of order authorising deputy commissioner to effect, as collector, sch. v, form vi, in case of dispute as to possession of land, &c., form of warrant of sch. v, form xxiii, to enforce

Attachment—concl'd.

bond, form of warrant of sch. v, form xlv, against surety, form of warrant of sch. v, form xvii, of property of principal on breach of bond to keep peace, form of warrant of sch. v, form i, and sale on forfeiture of bond for good behaviour, form of warrant of sch. v, form lli.

Attempt to escape, power to arrest without warrant for 54, fifthly, to commit offence punishable with imprisonment constitutes breach of bond for good behaviour 121, to injure public property, police-officer may interpose in case of 152, to commit offence, person charged with, may be tried together with person committing, or separately 239.

Attempts to commit offences, when triable summarily 260 (k), to commit offences, authority to empower benches to try summarily 261 (d), to commit compoundable offences, may be compounded, 345, p. 3.

Attendance of person in possession of document or thing 94, of witnesses at search under search-warrant 103, p. 1, at court of witnesses to search, not to be required without special summons, 108, p. 2, at search, of occupant of place searched 103, p. 3, of person called upon to show cause against furnishing security to keep peace, power to dispense with 116, of jury to inquire into propriety of order for removal of nuisance 138 (b), of parties to dispute concerning land, &c., 145, p. 1, of witnesses at police investigation 160, of persons at investigation into sudden or unnatural death, compulsory 175, p. 1, at magistrate's court, of witnesses to such investigation 175, p. 2, of complainants and witnesses at court of session or high court 217, p. 1, procedure on refusal to attend or to execute bond 217, p. 2, procedure when juror absents himself and it is not practicable to enforce his 282, procedure when assessors absent themselves and it is not practicable to enforce their 285, punishment of

Attendance—concl'd.

jurors failing to attend at high court 318, of government or railway servant as juror or assessor, when excusable 329, of juror or assessor may be excused by court of session, 330, list of jurors and assessors attending sessions 331, punishment of jurors and assessors failing to attend at court of session 332, of witness, power to dispense with, 503, p. 1, 506.

Attorney of high court a pleader when authorized 4 (n).

Authorities, postal or telegraph, none but district magistrates to grant warrant to search for document in custody of 96, p. 5.

Bail, search of arrested persons not furnishing 51, persons arrested to be taken before magistrate or police-officer, subject to provisions as to 60, report of arrest without warrant whether parties admitted or not to 62, committal of offenders in presence of magistrate, subject to provisions as to 64, to be taken from person arrested under warrant outside jurisdiction 86, committal of accused to custody pending trial, subject to provisions as to 220, admission of accused to, on jury's verdict being submitted by sessions judge to high court 307, p. 2, may be taken pending appeal 426, p. 1, against acquittal 427, decision of reference by presidency magistrate to high court 432, by high court judge to other judges 434, p. 2, when revising court may order admission of accused to 438, court of session may take, in cases of contempt, &c., committed before itself 477, p. 1, civil or revenue court may take, in cases of contempt, &c., committed before itself 478, p. 1 provisions relating to 496—502, or bond in case of bailable offence 496, in case of non-bailable offence and on further inquiry into guilt of accused; arrest of accused after taking of 497, not to be excessive: power of high court and court or session to direct admission to, of reduction of 498, conditions of bond of accused and sureties before

Bail—concl'd.

release on 499, discharge from custody on execution of bond 500, procedure, if, on reason on sureties insufficient 501, procedure on application of sureties for discharge 502, form of bond after arrest under warrant sch. v, form iii, on preliminary inquiry before police-officer sch. v, form xxv, before magistrate sch. v, form xlii.

“Bailable offence”, definition of 4 (r), procedure by magistrate outside jurisdiction, on production of person arrested under warrant for 86, bail or bond to be taken in case of, 496.

Bailable offences and non-bailable, table of sch. ii.

Bar to further proceedings in case of offence committed abroad 188, prov.

Bazars, military, at cantonments and stations occupied by Madras and Bombay troops 1, p. 2 (b).

Dench of judges in high court disagreeing as to case submitted for confirmation of sentence procedure on 378.

Benches of magistrates, appointment and powers of 15, mufassal, framing of rules for guidance of 16, regarding constitution of, for conducting trials 16 (c), subordination of, to district magistrate 17, p. 1, framing of rules as to distribution of business between 17, p. 1, subordination of, to sub-divisional magistrate, subject to general control of district magistrate 17, p. 2, not subordinate to sessions judge 17, p. 4, presidency magistrates may sit together as 18, p. 2, in presidency-towns, framing of rules for guidance of 21, (b), (c), warrants issued by, may be signed and sealed by any member 76, p. 1, invested with first class powers and specially empowered by local government, may try certain offences summarily 260; having second or third class powers, investing of, with power to try certain other offences summarily 261, local government may allow clerk to prepare records

Benchcs—concl'd.

or judgments of, in summary trials 265, p. 2.

Benefit of owner, proviso as to speedy sale of absconder's property, when considered advisable for 88, p. 6, power to sell property when sale would be for 525.

Binding-over to keep the peace or to be of good behaviour 121, supplementary witnesses summoned after commitment 219, p. 1, complainant and witnesses on trial of European British subject before court of session, to appear before high court 449, p. 2.

Body when to be touched or confined in making arrest 46, p. 1, marks of injury on, to be described in report on sudden or unnatural death 174, p. 1, may be sent by police to medical officer for examination 174, p. 3, power to disinter 176, p. 2, of defendant, certain high courts may direct bringing in of, on sheriff's return of *cepi corpus* 491 (f).

Bombay high court, local limits of certain jurisdiction of, called presidency-town 4 (A), a high court as regards proceedings against European British subjects 4, (i), may issue *habeas corpus*, and frame rules 491, pp. 1, 2.

Bombay presidency, military bazars at cantonments and stations occupied by troops of 1, p. 2 (b), village police-officers in 1, p. 2 (d), investigations into sudden or unnatural deaths in, by heads of villages 174, p. 4.

Bombay town, commissioner of police and police in 1, p. 2 (a), presidency magistrates to exercise jurisdiction held by Bombay court of petty sessions in 20, appointment of justices of the peace for 23.

Bond for appearance of person refusing to give name and residence 57, discharge of persons arrested by police, on their own 63, of persons arrested under warrant 76, in another jurisdiction, transmission

Bond—contd.

to court of 86, for appearance of person present in court, 91, arrest on breach of 92, for keeping peace, order for, on conviction; bond void if conviction subsequently set aside 106, order for showing cause against execution of 107, for good behaviour of varrants, &c., showing cause against execution of 109, of habitual offenders, showing cause against execution of 110, order for showing cause to state amount of 112, for keeping peace, power to dispense with attendance of person called upon to show cause against executing 116, or for good behaviour, passing, after inquiry, order for execution of 118, amount of, to be reasonable 118, prov. 2, to be executed only by sureties, when principal is a minor 118, prov. 3, contents of 121, for good behaviour, what constitutes breach of 121, for keeping peace, power of district magistrate to cancel 125, for peaceable conduct or for good behaviour, cancellation of, on application of sureties 126, fresh security for unexpired term of 126, p. 3, for appearance before magistrate, of person released after police investigation 169, of complainant and witnesses at police investigation to appear before magistrate 170, p. 2, complainant or witness not required to give security other than his own 171 (2), refusing to attend or to execute, may be forwarded in custody 171, prov., report of police investigation to state whether accused has been released on his own 173, p. 1, magistrate to pass orders as to discharge or otherwise, in case of accused being released on his own, after police investigation 173, p. 3, for appearance of person arrested for offence committed beyond jurisdiction 186, p. 1, for attendance to be taken from complainants and witnesses in cases committed to court of session or high court 217, p. 1, detention of complainants and

Bond—concl.

witnesses in cases committed to court of session or high court on refusal to execute 217, p. 2, for offender's appearance, court issuing distress-warrant may take 388, release of prisoner on his own, pending appeal 426, p. 1, when revising court may order release of accused on his own 438, without sureties, or bail to be taken in case of bailable offence 496, when to be taken in case of non-bailable offence 497, p. 2, amount of, not to be excessive 498, of accused and sureties, conditions of 499, release of accused on execution of 500, application of sureties for discharge of 502, procedure on forfeiture of 514, pp. 1-6, court may remit portion of penalty of 514, p. 7, appeals from, and revision of, orders for recovery of penalty of 515, to appear before high court or court of session, power to direct magistrate to recover penalty of 516, of accused for payment of prosecutor's costs on transfer of case 526, p. 5, and b il-bond after arrest under warrant form of sch. v. form iii., to keep peace form of sch. v. form x, for good behaviour, form of sch. v. form xi, and bail-bond on preliminary inquiry before police-officer, form of sch. v. form xxv, to prosecute or give evidence, form of sch. v. form xxvi, and bail-bond on preliminary inquiry before magistrate, form of sch. v. form xlii, form of warrant of attachment to enforce sch. v. form xlv, form of notice to surety on breach of sch. v. form xlv, for good behaviour, form of notice to surety on forfeiture of sch. v. form xlv, to keep peace, form of notice to principal on forfeiture of sch. v. form xlix, form of warrant to attach property of principal on breach of sch. v. form i, of imprisonment on breach of sch. v. form ii, for good behaviour, form of warrant of attachment and sale on forfeiture of sch. v. form lii, of imprisonment on forfeiture of sch. v. form liii.

Bonds, provisions as to 513-516, other than for good behaviour deposit instead of recognizance 513.

Book to be kept by officer in charge of police-station, entry in, of information concerning commission of cognizable and non-cognizable offences 154, 155, p. 1.

Books, power of certain high courts to make rules for subordinate courts in reference to keeping 553 (a).

Boundaries of tangible immoveable property, procedure on information as to dispute concerning, likely to cause breach of peace 145.

Bribe, form of charge of accepting sch. v, form xxviii, (i), (3).

British Burma, investiture of district magistrate with special power in 30, recorder or judicial commissioner of, to decide, in case of doubt, court by which offenders should be tried 185, p. 2, case of European British subject to be reported to recorder when sessions judge is not a European British subject 450, p. 2.

British India, code extends to whole of 1, p. 2, certain officials are justices of the peace for whole of 25, offenders may be pursued into any place in 58 pursuit of and retaking escaped or rescued arrested persons in any place in 66, warrant of arrest may be executed at any place in 82, trial of offences committed out of 186, 188.

Bruises to be described in police-officer's report on sudden or unnatural death 174, p. 1.

Building included in *Place 4 (u)*, conditional order for preventing or stopping construction of, or for removing, repairing or supporting 133, removed by magistrate's order sale of, in view to recovering costs or removal 140, p. 2.

Buoy used for navigation, preventing removal of, or injury to 152.

Calcutta, commissioner of police, and police in, 1, p. 2 (a), appointment of justices of the peace for 23.

Camping grounds included in *Public place* 133, exp.

Canal, public to assist magistrate and police in preventing injury to 42 (h).

Cancellation of magistrate's powers 41, by issuing court. currency of warrant of arrest until 75, p. 2, of bond for keeping peace, power of district magistrate as to 125, on application of sureties, of bond for good behaviour 126, of order passed on alleged dispute regarding possession of immoveable property 145, p. 4, of suspension or remission of sentence, power of 401, p. 3, of order of maintenance 488, p. 6.

Cantonments, military bazars at, and at stations occupied by Madras and Bombay troops, 1, p. 2 (b).

Case for defence, charge to jury to be given on conclusion of 297, not to be tried by magistrate whose tender of pardon has been accepted 337, p. 4, presiding officer may exclude person from court during inquiry into or trial of particular 352, prov., in which judge or magistrate is personally interested, trial of 555, for opinion of court, statement of, by agreement of parties 527.

Cases, conferment of powers on special magistrates in respect of certain 14, p. 1, on benches of magistrates in respect of certain 15, p. 1, to be tried by benches of magistrates, framing of rules regarding 16 (a), decided by magistrates, proviso as to terms of imprisonment in default of payment of fine in certain 23, prov. 2, tried by magistrates, maximum punishment awardable, on simultaneous conviction of several offences in 35, p. 2, prov., falling under European vagrancy act, 1874, provisions not applicable to 111, power to order trial of, in any

Cases—*concl.*

sessions division 178, transfer of, by district or sub-divisional magistrate 192, p. 1, by magistrate of the first class specially empowered 192, p. 2, to be tried by additional and joint sessions judges 193, p. 2, by assistant sessions judges 193, p. 3, triable by court of session or high court, inquiry into 206—220, for prosecution and defence, trial to close of 236—296, how opened 286, summing up 289, for defence, opening and summing up 290, tried by jury, conclusion of trial in 297—307, with assessors, conclusion of trial in 309.

Caste, breaking open apartment of woman secluded by custom of her, to effect arrest 48, prov.

Caution against voluntary confession 163, p. 2.

Central Provinces, investiture of district magistrate with special powers in 30.

Cept corpus, power to direct body of defendant to be brought in or return of 491 (*f*).

Certificate of high court's decision on appeal, when to be sent through district magistrate 425, p. 1, that accused who was insane is capable of defence, receivable in evidence 467, p. 2, that lunatic prisoner is capable of defence, procedure on; receivable as evidence 473, might be discharged 474, p. 1, in case of lunatic delivered to relative, receivable as evidence 475, p. 3, of officer in charge of jail, previous conviction proved by, 511 (*b*).

Certifying examination of accused 364, p. 2, to high court result of further inquiry made, or additional evidence taken, in reference to sentence submitted for confirmation 375, p. 3, to sessions court result further inquiry made, or additional evidence taken, in reference to sentence submitted for confirmation 383, p. 3, manner of execution of sentence 400, orders of

Certifying—*concl.*

high court on appeal 425, additional evidence to appellate court 423, p. 2, order of high court in revision to lower court 442.

Channel used by public, conditional order for removal of obstruction or nuisance from 133.

Channels leading to presidency towns, presidency magistrates to exercise jurisdiction within limits of 19,

"Chapter" defined 4 (*e*).

Character and class of sureties to bond, order for showing cause to state 112, regarding to be had to, in preparing list of special jurors 313, p. 2.

Charge need not be framed for inquiry as to truth of information regarding apprehended breach of good behaviour 117, p. 2, of offence committed in native state, fitness of inquiry into, to be certified by political agent 188, prov. 1, when to be framed in inquiries 210, p. 1, framed at inquiry to be explained to accused, and copy to be given free of cost 210, p. 2, to be forwarded on commitment to court of session or high court 218, p. 1, to state offence 221, p. 1, specific name of offence sufficient description for 221, p. 2 offence how stated in, when it has no specific name 231, p. 3, law offended against to be mentioned in 221, p. 4, what implied in 221, p. 5, language of 221, p. 6, previous conviction when to be stated in 221, p. 7, to contain particulars as to time, place and person 222, manner of committing offence when to be stated in 223, words in, taken in sense of law under which offence punishable 224, effect of error or omission in 225, procedure on commitment without, or with imperfect or erroneous 226, may be altered by any court before judgment, or by courts of session or high courts before verdict of jury or opinions of assessors 227, p. 1, alterations in, to be explained to accused 227, p. 2, when trial may proceed imme-

Charge—contd.

diately after altering or framing new 228, when new trial may be directed, or trial suspended, on altering or framing new 229, stay of proceeding on altering or framing new, if prosecution of offence in altered charge require previous sanction 230, recall of witness on alteration of 231, procedure in confirmation or revision in respect of absence of, or error in 232, need not be framed in summons-cases 242, to be framed in warrant-cases when offence appears proved 254, in warrant-cases, to be explained to accused 255, p. 1, discharge of accused in warrant-cases before framing of 259, need not be framed in summary trials where no appeal lies 263, to be explained to accused in trials before high courts and courts of session 271, p. 1, unsustainable, entry on effect of entry 273, pp. 1, 2, procedure on court finding, or not finding, evidence to sustain 289, p. 4, of judge to jury, when to be given: what to contain 297, jury to return verdict on each 303, p. 1, entry on, when judge considers accused should not be 91 (a), retried after discharge of jury: its effect 308, of judge to jury, court of session to record heads of 367, prov., copy of heads of, to be given to accused free of cost 371, p. 2, high court may order new trial on same or amended, when sentence is submitted for confirmation 376 (b), sessions judge may do the same 380 (b), in respect of previous acquittals or convictions 403, being unsustainable, entry to that effect, not an acquittal for certain purposes 403, exp., of judge to jury, copy of heads of, when to accompany appeal 419, court of session may try cases of contempt, &c., committed before itself on its own 477, p. 1, by civil or revenue court, to be sent to magistrate 479, effect of public prosecutor withdrawing from prosecution before or after framing of, or when none is required 494 (a), (b), omission to frame: court of appeal or revision may order framing of 535, finding, sentence

Charge—concl.

or order when reversible by reason of error, omission or irregularity in 537 of judge to jury, finding, sentence or order when reversible by reason of misdirection in 537, copy of, to be furnished: court may supply it free of cost 548.

Charges of offences against public justice, &c., amendment of 195, p. 8, form of 221—232, joinder of 233—240, separate, for distinct offences 283, when to be tried separately 283, of three offences of same kind within a year 234, of offences connected by one set of acts may be made separately and tried together 235,—I, falling within two definitions may be made under both and tried together 235,—II, of acts constituting one offence, but, when combined, a different one, how made and tried 235,—III, in cases of doubt as to which of several offences can be proved, how made and tried 236, when facts appear to cover more offences than one, and it is doubtful which should be charged 237, offence proved is included in offence charged 238, p. 1, facts are proved which reduce offence to minor one 238, p. 2, in cases of persons accused jointly 239, remaining on conviction of one of several withdrawal of 240 forms of sch. v, form xxviii.

Cheating, charges of 221, III. (c).

Chemical examiner or assistant chemical examiner to government, report of, may be used as evidence 510.

Chief commissioners of certain provinces, investiture of district magistrate with special powers in territories administered by 30.

Chief court, senior judge of a *Chief, justice* 4 (j).

Chief court, Panjab, a *High court* as regards proceedings against, European British subjects 4 (i) included in *High court* 266, record of evidence in 365.

Chief executive administration of district, duties of officer succeeding to 11.

"Chief justice," definition of 4 (j), officer appointed by, to discharge duties of clerk of the crown 4 (i), to appoint time of holding sittings 334, officer to give notice of sittings 335, p. 3.

Chief magistrate, benches in presidency-towns subject to rules framed by 18, appointment of 18, in Bombay, appeals under Bombay municipal law to lie to 20, prov. 1, general powers of, and power to make rules 21, procedure as to production of document in custody of postal or telegraph department when required by 93, p. 1, procedure as to production of such document when required by other magistrates, and pending orders of 95, p. 2, may grant warrant to search for such document 96, p. 5, power of, to direct local investigation before proceeding upon complaint 202, p. 1, endorsement by, of warrant for levy of fine imposed in other jurisdiction 387.

European British subject 4 (u), (2)

Children and wives, maintenance of 488—490.

Civil court, orders not to be called in question by 133, p. 2, attachment of land, &c., occasioning dispute, until determination of rights of parties by competent 146, order in disputes concerning easements, &c., pending decision by 147, procedure by in cases of contempt, &c., 476, p. 1, power of, to complete investigation and commit to sessions court, in such cases: to exercise powers of magistrate 478, commitment by; procedure 479, may take cognizance of certain cases of contempt 480, registrar or sub-registrar to be deemed a 483.

Civil employ, certain officers in, exempted from service as jurors or assessors 320 (a).

Civil force, use of, to disperse assembly 128.

Civil jail, imprisonment in, failing payment of penalty of bond 314, p. 4.

Civil procedure code, powers, duties and liabilities of receivers for attachment of property of absconders, same as those of receivers under 83, p. 5, exemption from personal appearance in court granted under, carries exemption from service as juror or assessor 320 (j).

Civil suit, compensation for frivolous complaint to be taken into account in subsequent 256, p. 2, order for restoration of immovable property not to prejudice rights established by 522, p. 2.

Civil surgeon, police may forward corpse to, for examination 174, p. 3, examination of lunatic accused by 464, p. 1, deposition of, may be given in evidence, or court may summon him 509.

Claim to be tried, accused to be called upon to defend himself on advancing 256, p. 1, procedure on accused advancing 272, to be dealt with as an European British subject; procedure 453, pp. 1, 2, subject, failure to advance, a waiver 454, p. 1.

Claimant to property seized by police, procedure on non-appearance of 524.

Claims as to possession, order to parties to dispute concerning land, &c., to put in statements of 143, p. 1, of parties, magistrates to decide who is in possession of land, &c., occasioning dispute, without reference to merits of 143, p. 2.

Class and character of sureties to bond, order for showing cause to state 112.

Classes of offences, power to order trial of, before court of session, by jury 269, p. 1, of appeals, district magistrate may transfer and again withdraw 407, p. 1, of criminal cases or appeals, power to order transfer of 526 (2), of cases, power to authorize district magistrate to withdraw 528, p. 2.

Clerk may be allowed to prepare records or judgments of benches in summary trials 265, p. 2.

"Clerk of the crown," definition of 4 (i), accused may give to, additional list of witnesses 211, p. 2, magistrate may leave summoning of defence witnesses to 216, prov. 1, what to be sent to, on commitment to high court 218, p. 1 (2), power of, to frame or alter charge 226, to prepare lists of jurors 313, pp. 1, 5, lists of jurors to be signed by 314, p. 1, swearing and affirming affidavits and affirmations before 539.

Closed place, persons in charge of, to allow search in 102, p. 1, procedure on refusal to holder of search-warrant of entry into 102, p. 2.

"Cognizable Case," definition of 4 (g), assimilation of powers of police officers investigating 155, p. 3, investigation of, by police 156, p. 1, proceedings of police investigating, not to be called in question 156, p. 2, suspected, investigation into; when investigation dispensed with 157, p. 1, prov. (a), (b), disposal of, on receipt of police report 159.

"Cognizable offence," definition of 4 (g), power to arrest without warrant persons concerned in 54, *firstly*, power to arrest without warrant persons concealing presence with a view to commission of 55 (a), police to prevent 149, information of design to commit 150, arrest on information of design to commit 151, treatment by police of information concerning commission of 154, procedure by police on suspicion of 157, witnesses at investigation into sudden or unnatural death not required to attend court when facts do not disclose a 175, p. 2, table showing what is, and what is not sch. ii.

Cognizance, communication of design to commit cognizable offence to officer whose duty it is to take 150, report of suspected cognizable offence to magistrate empowered to take 157, of offences by magistrates 191, of offences by court of

Cognizance—*concl.*

session 193, p. 1, of offences by high court 194, of offences with previous sanction 195 p. 1, of offences against the state 196, of offences against the judges or public servants 197, p. 1, of offences upon complaint by aggrieved person 198, of adultery upon complaint by, or on behalf of, husband 199, of offences by European British subjects 445, of certain cases of contempt 480, upon complaint or police report, proceedings not vitiated when magistrate not empowered takes 529 (c), in what cases proceedings void when magistrate not empowered takes 530 (k).

Coin, counterfeit, or materials for counterfeiting search of place suspected, to contain 98, counterfeit charge of having in possession 225, iii. (a), counterfeit forms of charges of knowingly delivering or attempting to deliver as genuine sch. v, form xxviii. (ii), (1).

Coins, trial of persons previously convicted of offences relating to 348.

Collector and sessions judge to make out list of jurors and assessors 321, p. 1, to hear objections to, and to revise, list of jurors and assessors 324, pp. 1—4.

Collectors of districts, land paying revenue to government to be attached through 88, p. 4, of revenue or customs exempted from serving as jurors or assessors 320 (c).

Colonies, persons naturalized, &c., in, are European British subjects 4 (u).

Combination of punishments, appeal in cases of 415, exp.

Comfort, physical, of community; order for suppression of trade, &c., injurious to 133, p. 1.

Commanding officer, duty of, on requisition of magistrate, for dispersion of assembly 130, to be communicated with, and his objections allowed, in respect of summoning military jurors 317.

Commencement of proceedings before magistrates 204, 205, of proceedings before high courts and courts of session 271—273, of sentence on offender already sentenced for other offence 397.

Comments by defence on evidence for prosecution 290.

Commission, issued by high court, justices of the peace appointed under, confirmed 24, pp. 1, 2, of inquiry in cases of lunacy 474.

Commissioner of police, warrant of arrest, for execution outside jurisdiction, forwarded to 83, when person arrested outside jurisdiction to be taken before 85, procedure of, thereupon 86, procedure as to production of document in custody of postal department when required by 95, p. 2.

Commissioners of revenue or customs exempted from serving as jurors or assessors 320 (c), acting under commission from governor general in council, certain high courts may direct production of prisoner before 491 (d).

Commissioners of police, and police, in Calcutta and Bombay towns excepted from act 1, p. 2 (a), deputy and assistant, investiture of district magistrate with special powers in provinces where there are 30.

Commissions for examination of witnesses 503—508, issue of, by presidency magistrate, district magistrate, court of session or high court; to whom directed; duty of receiving officer 503, in case of witnesses in presidency-towns, saving of high court's power to issue, under 39 & 40 Vic, cap. 46. s. 3, 504, p. 2, parties may forward interrogatories for examination of witness under, and may themselves examine, cross-examine and re-examine such witness 505, subordinate magistrate may apply to district magistrate for issue of 506, to be returned after execution: to reopen to inspection of parties; may be read in evidence; to form

Commissions—concl'd.

part of record 507, adjournment of inquiry or trial pending execution and return of 508.

Commitment of accused necessary to cognizance of offence by court of session 193, p. 1, high court may take cognizance of offence upon 194, to court of session and high court, magistrates authorized in respect of 206, p. 1, to high court, when accused triable by court of session, only as specially provided 206, p. 2, to court of session or high court, charge to be framed on 210, p. 1, to court of session or high court, order of, when made 213, of person charged in mufassal jointly with European British subject, when to be made to high court 214, to court of session or high court, quashing of 215, of accused, summons to defence-witnesses on 216, of accused, to court of session or high court, when to be notified 218, p. 1, (1), tender of pardon after 338, of person who has accepted tender of pardon 339, p. 1, procedure when, after commencement of inquiry or trial, magistrate finds case one for 347, court hearing appeal against acquittal may direct 423 (a), court hearing appeal against conviction may direct 423 (b), when court of session or district magistrate considers discharge improper, accused allowed to show cause against 436, prov. (a), of European British subject when to be to court of session and when to high court 447, validity of, when person not an European British subject dealt with as such 455, when civil or revenue court may make 478, p. 1, by civil or revenue court, procedure on 479, previous conviction proved by production of warrant of 511 (b), on failure to find security for keeping peace, form of warrant of sch. v, form xiii, on failure to find security for good behaviour, form of warrant of sch. v, form xiv, form of notice of, by magistrate to government pleader sch. v, form xxvii, on sentence of

Commitment—*concl'd.*

imprisonment or fine if passed by magistrate, form of warrant of sch. v, form xxix, under sentence of death, form of warrant of sch. v, form xxxiv, in cases of contempt when fine imposed, form of warrant of sch. v, form xxxviii, form of magistrate's or sessions judge's warrant of, for refusal to answer where no fine sch. v, form xxxix, of surety of accused admitted to bail, form of warrant of sch. v, form xlviii,

Commitments, irregular, when may be validated 532.**Committal on refusal to answer or to produce document 485.****Communication with jury or assessors not permitted 293, p. 2, 300, p. 2.**

Community, release of person imprisoned for failure to give security, when not involving hazard to 124, p. 1, order for suppression of trade, &c., injurious to health or comfort of 133, p. 1.

Commutation of capital sentence on pregnant woman 382.

Commutations, suspensions and remissions of sentences 401, 402, of sentences, form of warrant after sch. v, form xxxvi.

Compensation for frivolous or vexatious complaints 250, out of fine, power to order 545 (b), payments as, taken into account in subsequent civil suit 546, to person groundlessly given in charge in presidency-town 552.**Complainant to be bound to appear when case sent up by police 170, p. 2, not to be required to accompany police officer to court 171, 1, not to be subjected to unnecessary restraint 171, 2, not to be required to give security other than his own bond 171, 2, recusant, may be forwarded to court in custody 171, prov., to be examined upon oath, and to sign examination 200, examination of, when may be dispensed with by magistrate trans-****Complainant—*concl'd.***

ferring case 200, prov. 1, magistrate receiving case on transfer not bound to re-examine. 200, prov. 3, magistrate to hear, at inquiry 208, p. 1, magistrate to issue process for further evidence when desired by 208, p. 2, in case committed, magistrate to take bond for appearance of 217, p. 1, in case committed detention of, on refusal to attend or to execute recognizance 217, p. 2, when to be heard in summons-cases 244, p. 1, issue of process for further evidence on application of 244, p. 2, procedure in summons case on non-appearance of 247, when to be heard in warrant-cases 252, p. 1, ascertaining from, names of witnesses, and summoning them 252, p. 2, discharge of accused on absence of 259, name of, to be entered in record of summary trial 263 (d), name of to be recorded in presidency magistrate's judgment 370 (c), binding over, on trial of European British subject, to appear before high court 449, p. 2, payment of expenses of 544.

Complaint definition of 4 (a), of cognisable offence, power to arrest without warrant persons implicated by 54, *firstly*, cognizance of offences upon 191, p. 1 (a), p. 2, of public servant's court concerned, cognizance of certain offences not to be taken except upon 195, p. 1, by order or under authority of government, cognizance of offences against the state not to be taken except upon 196, by aggrieved party necessary to certain prosecutions 198, by or on behalf of injured husband necessary to prosecution for adultery 199, procedure by magistrate taking cognizance upon 200, in writing, presidency magistrate may require 200, prov. (b), when to be returned for presentation to proper tribunal 201, power to direct local investigation before proceeding upon 202, p. 1, when may be dismissed 203, finding in summons-cases not limited by 243, with drawal of, in summons-cases 248

Complaint—concl'd.

award of compensation for frivolous or vexatious 200, date of, to be entered in record of summary trial 263 (c), dismissal of, when not an acquittal 403, exp. dismissed, power of court of session or district magistrate to direct further inquiry into 437, finding, sentence or order when reversible by reason of error, omission or irregularity in 537.

Complaints to magistrates 200—203.

Compoundable, discharge of accused when complainant absents himself and the offence is 259, table showing whether offences are, or are not sch. II.

Compounding offences; list of offences; by whom compoundable; effect of composition 345.

Concealing presence within jurisdiction with a view to commit offence 56 (a), 109, self to prevent arrest; proclamation 87, pp. 1, 2, wrongfully, person known to have been kidnapped, place of inquiry into or trial of charge of 180, III. (c), stolen property and assisting therein, separate charge with, and conviction of, different offences in case of 235, III. (j).

Concealment of stolen property, summary trial for assisting in 260 (f).

Conclusion of trial, jury or assessors to attend until 295, in cases tried by jury 297—307, in cases tried with assessors 309.

Conditions requisite for initiation of proceedings 191—199, legal, required to constitute offence, framing charge equivalent to statement of fulfilment of 221, p. 5.

Conduct of search by police-officer investigating offence 165, pp. 2, 3, of prosecution by other person, power of magistrate to permit 495, p. 2.

Confession, no inducement for, to be offered 163, p. 1, voluntary, at

Confession—concl'd.

police investigation, not to be prevented 163, p. 2.

Confessions made before inquiry or trial, record of 164, record of, procedure when certain requirements not fully complied with 533.

Confinement authorized under former acts saved 2, p. 1, of persons forming part of assembly, use of force in view to arrest and 128, 129, by military officer of persons forming part of assembly, without instructions from magistrate 131, of youthful offenders in reformatories 399, power to appoint place of 541.

Confirmation required to sentence of death passed by certain judges 31, p. 2, required to certain sentences of assistant sessions judge 31, p. 2, required to certain sentences passed by courts of district magistrates specially empowered 34, p. 2, aggregate sentences on simultaneous conviction of several offences deemed single sentence for purpose of 35, p. 3, submission of sentences for 374—380, by high court necessary to execution of sentence of death 374, of sentence of death, high court's power of 376 (a), of sentence of death time for appeal to be allowed before passing order of 376, prov., "to be signed by two judges 377." copy of order of, to be sent to court of session 379, by sessions judge, submission of sentences for 380, by court, rule as to case in which sentence is subject to 408, prov. (a), court of, may direct order for disposal of property to be stayed 520.

Conflagration, conditional order for alteration of disposal of substance when likely to occasion 133 p. 1.

Consent of prisoner not necessary to commutation of sentence 402.

Consequence ensues, accused triable in district where 179.

Constable, certain officers above rank of, when considered officers in charge of police-stations 4 (e).

Constable—*concl'd.*

authorization of police-officer above rank of, to search place suspected to contain stolen property, forged documents, &c., 98.

Constitution of criminal courts and offices 6—27, and powers of criminal courts and offices 6—41, of mufassal benches for conducting trials, framing of rules regarding 16 (c), of benches in presidency-towns, framing of rules regarding 21 (c).

Construction of building, conditional order for preventing or stopping 133, p. 1, of documents given in evidence in jury trials 298 (b).

Contempt of lawful authority of public servant, sanction necessary to prosecution for 195, p. 1 (a) jurors failing to attend, deemed guilty of 318, witness refusing to answer or to produce document, when deemed guilty of 485, appeals from convictions in cases of 486, judge or magistrate when to try cases of, committed before himself 487, p. 1, form of warrant of commitment in certain cases of, when fine imposed sch. v, form xxxviii.

Contempts, power of civil, criminal or revenue courts to take cognizance of 480, procedure where court considers that case should not be dealt with under section 480, 482.

Contents of bond for keeping peace or for good behaviour 121.

Continuance of magistrates' powers 40, of warrant of arrest 75, p. 2, of nuisance, prohibition of 143.

Continuing offence, place of inquiry or trial of 182.

Contract cognizance of breach of, on what complaint to be taken 198, no conviction for breach of, without complaint by aggrieved party 238, p. 29.

Convenience of parties or witnesses ground for transfer of case by high court or by governor general in council 526, (i), 527, p. 1.

Conversion order for disposal may be made in respect of property acquired by 517, exp.

Convict, presence of, may be dispensed with when further enquiry is made, or additional evidence taken, in reference to sentence submitted for confirmation 375, p. 2, 380, p. 2.

Conviction security for keeping peace void on subsequent setting aside of 106, previous, power to add to charge a statement of 221, p. 7, previous, when to be mentioned in charge 221, p. 7, accused to be asked to show cause against; when to follow on his own admission 242, 243, not limited by complaint or summons 246, on accused's plea 255, p. 2, 271, p. 2, brief statement reasons for, to be recorded 263, (h) of offence, objection to juror on ground of 278 (f), procedure in case of previous 310, on evidence partly recorded by one magistrate and partly by another 350, prov. (b), judgment of, to state offence and section 367, p. 2, under penal code; judgment in alternative 367, p. 3, of offence punishable with death; judgment to state reason when other punishment awarded 367, p. 5, reasons for, when to be stated in presidency magistrate's judgment 370 (i), high court may annul, and convict accused of other offence, when sentence submitted for confirmation 376 (b), sessions judge may do the same 380 (b), of escaped convict, new sentence on, when to take effect 396, of offender already sentenced for other offence, new sentence on, when to commence 397, escaped convicts or offenders already sentenced not to be excused from punishment to which they are liable upon former or subsequent 398, powers of appellate court hearing appeal against 423 (b), proof of previous 511, distress not illegal nor distrainer a trespasser because of defect or want of form in 538.

Convictions or acquittals, previous 403.

Coorg, investiture of district magistrate with special powers in 30.

- Copies of depositions and exhibits, power to direct receiving of, in evidence 189, of proceedings to be furnished when asked for: may be free of cost 548.
- Copy of proclamation requiring absconder's appearance to be affixed to court-house 87, p. 2 (c), of order to accompany summons or warrant 115, of proclamation regarding removal of nuisance, affixing of 134, p. 2, of bond for appearance of complainant and witnesses, to be given to one of the parties 170 p. 5, of charge to be given to accused free of cost, on commitment 210, p. 2, of evidence of supplementary witness to be given to accused free of cost 219, p. 2, of judgment and, in trials in court of sessions, of heads of charge to jury, to be given to accused 371, pp. 1, 2, of finding and sentence of court of session to be sent to district magistrate 373, of order in case submitted to high court for confirmation of sentence to be sent to court of session 379, of judgment or of heads of charge to jury when to accompany appeal 419, of grounds of appeal to whom to be given 422, of high court's order on reference by presidency magistrate to be sent to magistrate 433, p. 1, of order of maintenance to whom to be given 490, of sentence or order, previous conviction or acquittal may be proved by 511 (a), of grounds of application for transfer of case to be given to public prosecutor 526, p. 5.
- Correction of evidence in mufassal 360 pp. 1, 2.
- Correctness of confession made before inquiry or trial, admission of, to be certified 164, p. 3.
- Cost, copy of charge to be given to accused free of, on commitment 210, p. 2, of evidence of supplementary witness taken by mufassal magistrate to be given to accused free of 219 p. 2, of judgment (except in summons-cases) and, in trials in a court of session, of heads of charge to jury, to be given to accused free of 371, pp. 1, 2, courtman supply copies of proceedings free of 548.
- Costs of attachment, restoration of property to absconder after deduction of 89, of removing nuisance, recovery of 140, p. 2, connected with disputes concerning immovable property, award of 148, p. 3, of reference by presidency magistrate. high court may pass order as to payment of, 433, p. 2, of prosecutor when case transferred, payment by accused of 526, p. 4.
- Court enquiry by, under code, included in *Inquiry* 4 (c), the highest, of criminal appeal or revision, when a *High court* 4 (i), description of offences cognizable by each 28—30, sentence in cases of conviction of several offences at one trial before same 35, need not send to higher court offender charged with several offences 35 p. 2, before which arrested persons are produced, delivery of offensive weapons found by arrestor to 53, detention of arrested persons, exclusive time of journey to 61, signature and sealing of summons by presiding officer of 68, p. 1, service of summons by officer of 68, p. 2, service of summons on government or railway servant 72, service of summons outside jurisdiction of 73, proof of such service 74, currency of warrant of arrest until cancellation by issuing 75, p. 2, direction by, for taking security from person arrested under warrant 76, other than that of presidency magistrate, discretion of as to direction of warrants of arrest 77, speedy production before, of persons arrested under warrant 81, direction of warrant for execution outside jurisdiction of issuing 83, warrant directed to police-officer for execution outside jurisdiction of issuing 84, procedure on execution of warrant outside jurisdiction at distance from issuing 85, issuing warrant, transmission to, of person or his bond, on execution outside jurisdiction 86, publication by, of proclamation in case of person absconding to prevent execution 87, pp. 1, 2, effect of statement by, as to

Court—*contd.*

publication of proclamation power of, to order attachment of property of absconder 88 discretion of, as to method of attaching property 88 (d), (h), discretion of, as to time of sale of attached property 88, p. 6, ordering attachment, restoration by, of absconder's property 89, power of, to issue warrant in lieu of, or in addition to, summons 90, power of, presiding officer of, to take bond from person present in 91, arrest on breach of bond for appearance before 92, power of, to issue summons to produce document or other thing 94 issue of search-warrant at discretion of 96, power of, to restrict search-warrant 97, disposal of things found on search beyond jurisdiction of issuing 99, attendance at of witnesses to search, how to be required 108, p. 2, power of, to impound document or thing produced 104, procedure when person ordered to show cause is present in 118, procedure when such person is not present in 114, inquiry as to truth of information respecting such person 117, attendance in, of parties to dispute concerning land, &c., order requiring 145, p. 1, having jurisdiction within limits of station, police may investigate cognizable case which may be inquired into or tried by 156, p. 1, bond for appearance, on case being sent to magistrate by police, to hold good for any 170, p. 3, complainants and witnesses on their way to, not to be required to accompany police-officer 171 (1), of magistrate, attendance at, of witnesses to investigation into sudden or unnatural death, when not to be required 175, p. 2, for trial of judge or public servant may be specified by government 197, p. 2, or its precincts, accused when allowed to recall and cross-examine prosecution witnesses present in 256, p. 1, objection to juror on ground of his holding office in or under 278 (d), exemption from personal appearance in,

Court—*concl.*

carries exemption from service as juror or assessors 320 (j), may at any time examine accused 342, p. 1, may draw its inference from accused's giving false answer or refusing to answer 342, p. 2, detention of offenders attending 351, competent to try accused or to commit him for trial, may record evidence in his absence 512, may remit portion of penalty of forfeited bond 514, p. 5, of appeal, confirmation, reference or revision, may direct order for disposal of property to be stayed 520, not empowered under sections 177 to 184, high court may order case to be inquired into or tried by 526, (1).

Court-house, affixing to, of copy of proclamation requiring absconder's appearance 87, p. 2 (c), copies of lists of jurors for high court to be affixed to 314, p. 3, copies of lists of jurors and assessors for court of session to be affixed to 322.

Court-martial, certain high courts may direct production of prisoner before 491 (d), delivery to military authorities of persons liable to be tried by 549, p. 1.

Court of petty sessions, Bombay, jurisdiction of, by whom now exercised 20.

Court of session, procedure as to production of document in custody of postal or telegraph department pending orders of 95, p. 2, power of, to require security for keeping peace 106, procedure of, on apprehension of breach of peace 108, p. 1, proceedings in case of failure to comply with order for security when to be laid before 123, pp. 2, 3, discretion of as to imprisonment awardable on failure to give security for good behaviour 123, p. 5, release by, of person imprisoned for failure to give security 124, p. 2, cognizance of offences by 193, p. 1, inquiry into cases triable by 206—220, magistrates who may commit to 206, p. 1, persons triable by, not to be committed to

Court of session—*contd.*

high court, except as provided, 206, p. 2, procedure in inquiries into cases triable by 207, order of commitment to, when to be made 213, bond for securing attendance of complainant and witnesses at 217, p. 1, detention and sending in custody of complainants and witnesses refusing to attend at 217, p. 2, charge, record of inquiry and things to be produced in evidence to be forwarded, on commitment, to 218, pp. 1, 2, power of, to frame charge after commitment, or to alter existing charge 226, power to order trials before, to be by jury 269, trials before, to be conducted by public prosecutor 270, number of jury in trials before 274, p. 2, constitution of jury for trials before, of persons not Europeans or Americans 275, verdict of jury in, when to prevail 306, p. 1, passing order of acquittal or sentence in jury trials before 306, p. 2, procedure where judge disagrees with verdict of jury in trials before 307, to summon juror or high court sessions outside presidency-town 316, to summon military jurors for high court sessions 317, list of, and summoning, jurors and assessors for 319—332, procedure when magistrate finds case should be tried by 347, offenders against coinage, stamp-law and property when to be committed to 348, record of evidence in 356, to record heads of charge to jury 367, prov., to send copy of finding and sentence to district magistrate 373, to submit sentence of death to high court for confirmation 374, copy of high court's order to be sent to 379, certifying result of inquiry and evidence to 380, p. 3, to take steps for execution of order of high court on submission of sentence for confirmation 381, appeal to, from certain sentences 408, cases subject to confirmation of, to be disposed of by, before appeal to high court 408, prov. (a), European British subject may appeal either to high court or to, 408, prov. (b), appeals to, by whom to be heard 409, appeal from sentence of 410,

Court of session—*concl.*

appeal from conviction by, on accused's own plea 412, on appeal from certain sentences by, except in case of combination of punishments 413, 415, taking additional evidence for appellate court 428, power of, to call for records of inferior courts 435, to order commitment to itself 436, revising proceedings, power of, to direct inquiry by lower court 436, prov. (b), revising proceedings, power of, to direct inquiry by district magistrate or his subordinate 437, revising proceeding may report result to high court and thereupon suspend sentence and release accused 438, qualifications required from judges presiding in, in respect of jurisdiction over European British subjects 444, commitment of European British subjects when to be made to 447, sentence which may be passed on European British subject by 449, procedure where judge of, finds his powers inadequate 449, procedure by, on accused claiming to be dealt with as an European British subject 453, p. 2, procedure by, in case of accused being lunatic: trial of fact of unsoundness deemed part of trial before 465, accused sane at time of inquiry or trial by magistrate, but not when he committed offence charged, when to be sent for trial to 469, power of as to cases of contempt, &c., committed before itself 477, appeal to, from conviction by mufassal small cause court in contempt case 486, p. 3, appointment by district or subdivisional magistrate of public prosecutor to appear before 492, p. 2, may direct admission to or reduction of, bail 498, issue by, of commission for examination of witnesses 503, p. 1 may direct magistrate to recover penalty of bond for appearance before itself 516, may direct district magistrate to execute order for disposal of property 517, p. 2.

Court of wards, certain officers employed in collecting land-revenue for, bound to report certain matters 45.

Courts constituted under other laws, criminal courts under code 6, and offices, *mufassal* 9—17, of presidency magistrates 18—21, of presidency magistrates framing of rules for regulating practice, &c., of 21 (a), powers of 28—41, which may try offences under penal code 28, which may try offences under other laws 29, sentences which may be passed by different 31—35, of magistrates, sentences which may be passed by different, 32, of magistrates, may pass combined sentences 32, p. 2, of magistrates, award of imprisonment by, in default of payment of fine 33, of district magistrates specially empowered, higher powers of 34, of certain magistrates, power of, to require security for keeping peace 106, subordination of, in respect of giving sanction for prosecutions 195, pp. 5, 6, so declared by governor general, to be high courts 266, to be open; but presiding judge or magistrate may exclude any person 352, other than high courts not to alter their judgments 369, excepting chartered high courts, power to decide language of 556.

Courts of session one class of criminal courts 6, establishment of, and appointment of judges for 9 p. 1, appointment of additional, joint and assistant sessions judges for 9, p. 2, existing, maintained 9, p. 3, may try any offence under penal code 28, procedure as to production of document in custody of postal or telegraph department when required by 95, p. 1, and high courts, trials before 266—336 trials before, to be by jury or with assessors 248 local government may order trials before, to be by jury 269, p. 1.

Courts of small causes subordination of, in respect of sanction for prosecutions 195, p. 6, appeal from convictions by, in contempt cases 486, p. 3.

Criminal breach of trust, place of inquiry into, and trial of 181, p. 2, charge of, where it is doubtful what offence has been committed 236, ill. charge of 238, ill. (a), of

Criminal—*concl.*

contracts of service compoundable 345, p. 1.

Criminal cases, transfer of 526—528, power of high court to order transfer of, or to withdraw same for trial before itself 526, pp. 1, 2, 3, power of governor general to order transfer of: procedure of receiving court 527, district or sub-divisional magistrate may withdraw and refer 528, p. 1, local government may authorize district magistrate to withdraw classes of 528, p. 2.

Criminal charge, witness may refuse answer tending to expose him to 161, p. 2, 175, p. 1.

Criminal courts and offices, constitution of 6—27, and powers of 6—41, classes of 6, suspension and removal of judges of 26, prosecutions in, requiring sanction 132 (1), may use police diaries on inquiries and trials 172, p. 2, jurisdiction of, inquiries and trials 177—199.

Criminal force compoundable 345, p. 1, restoration of property of which person has been dispossessed by 522, p. 1.

Criminal intimidation, security for keeping peace on conviction of 106, p. 1, charge of 221, ill. (c), of several persons how charged and tried 235, ill. (h), may be tried summarily 260 (i), when compoundable 345, p. 1.

Criminal misappropriation, place of inquiry into, and trial of 181, p. 2.

Criminal proceedings against Europeans and Americans 443—463.

Criminal trespass compoundable 345, p. 1.

Cross-examination of prosecution witnesses by accused, in warrant cases 256, p. 1, of defence witnesses 290, of juror or assessor 294, of witnesses by parties, when commission issued 505, p. 2.

Cruelty, habitual, valid excuse for wife refusing to live with husband 488, p. 3, prov.

Culpable homicide may be inquired into and tried where wound inflicted or where death occurs 179, ill. (a), and exposure of child how charged and tried 235, ill. (k), form

Culpable—*concl'd.*

of charge of sch. v, form xxviii, (I), (6), (II), (2), and murder: forms of charges of sch. V, form xxviii, (I), (6) (II), (2).

Custody body of arrested person to be actually touched, unless submission is made to 46, p. 1, articles found upon arrested persons to be placed in safe 51, lawful arrest of persons accompanying or attempting escape from 54, fifthly, period of detention in, of persons arrested 61, committal to, of persons offending in presence of magistrate 64, lawful, power to pursue and retake on escape from 66, release from, of persons arrested under warrant, on security for appearance being furnished 76, p. 1, removal to the court in, of person apprehended outside jurisdiction 86, of, postal or telegraph department procedure as to production of document in 95, p. 1, of postal or telegraph department, who to grant warrant to search for document in 96, p. 2, power to authorize taking into, of persons privy to deposit, &c., of stolen property, &c., 98, (c), detention in, of person likely to commit breach of peace 108, issue of warrant directing production of person called upon to show cause, when he is in 114, release of person in, only for purposes of inquiry, when necessity for security not proved 119, power of magistrates to order detention of accused persons in 167, p. 2, of police, magistrates authorizing detention in, to record reasons 167, p. 3, release of accused from, on completion of police investigation 169, forwarding and detaining in, of recusant complainants and witnesses 171, prov. 217, p. 2, inquiry into cause of death of person dying while in 176, p. 1, of accused, pending trial by court of session or high court 220, remanding accused to, on case being submitted to high court 207, p. 2, detention in, of person accepting tender of pardon 237, p. 3, offender to be kept in, when whipping cannot be carried out owing to his ill-health 395, of lunatic incapable of defence 466, p. 2, of accused acquitted on ground of lunacy 471, local government may order continued detention of lunatic prisoner in, after he has been declared fit to be discharged 474, of relative or friend, delivery of lunatic to 575, power to direct liberation of persons illegally detained in 491 (b), person released on bail may be committed to, on failing to find sureties to replace those discharged 502, p. 3, of property seized by police 523, p. 1.

Custody—*concl'd.*

Custody—*concl'd.*
ried out owing to his ill-health 395, of lunatic incapable of defence 466, p. 2, of accused acquitted on ground of lunacy 471, local government may order continued detention of lunatic prisoner in, after he has been declared fit to be discharged 474, of relative or friend, delivery of lunatic to 575, power to direct liberation of persons illegally detained in 491 (b), person released on bail may be committed to, on failing to find sureties to replace those discharged 502, p. 3, of property seized by police 523, p. 1.

Customs department, members of preventive service in, exempted from serving as jurors or assessors 320 (d).

Dacoits, offence of having belonged to a gang of, where triable 181, p. 1.

Dacoity and dacoity with murder, offences of, where triable 181, p. 1, form of charge of sch. v, form xxviii, (I), (10).

Danger to public security, power of military officers to disperse assembly on apprehension of 131, to public conditional order for fencing tank, well or excavation in view to prevention of 133, p. 1, power to issue injunction for obviation of, in nuisance cases 142, p. 1, power of magistrate to take steps for same purpose 142, p. 2, to human life, health or safety, issue of order in urgent cases of nuisance in view to prevention of 144, p. 1, to human life, health or safety, power of local government to prolong currency of order in cases of 144, p. 5.

Date proclamation requiring appearance of absconder at specified 87, pp. 1, 2, statement by court as to publication of such proclamation on specified 87, p. 3, of attachment, absconder's property ordinarily not to be sold before six months after 88, p. 6, restoration of absconder's property on his appearing within two years from 89, of order, commencement from, of period of security 120, p. 2, procedure

Date—concl'd.

on failure to give security on due, 123, pp. 1, 2, 3, of commission of offence, of report or complaint and of termination of proceedings, to be entered in record of summary trial 263, (b), (c), (j), to be entered in judgment 367, p. 1, of commission of offence and of final order to be recorded in presidency magistrate's judgment 370, (b), (h), of order, maintenance allowance payable from 488, p. 2.

Dates of publication of jurors' lists for high courts 314, pp. 1, 2.

Day for appearance of complainant and witnesses how fixed 170, p. 4.

Death, offences punishable with 4, (s), investiture of district magistrate with power to try offences not punishable with 30, confirmation of high court required to sentences of 31, p. 2, assistant sessions judges may not pass sentence of 31, p. 3, sudden, unnatural or under suspicious circumstances, persons to give information of 45 (d), no right to cause, in endeavour to arrest person accused of offence not punishable with 46, p. 3, sudden or unnatural, police to inquire into and report 174, p. 1 police may forward corpse to medical officer in case of doubt as to cause of 174, p. 3, sudden or unnatural, inquiry by magistrate into cause of 176, p. 1, while in police custody, magistrate to hold inquiry into cause of 176, p. 1, offences not punishable with, may be tried summarily 260 (a), jurors how to be chosen when offence charged is punishable with 276, prov. 3, judgment to state reason why sentence of, was not passed on conviction of offence punishable with 367, p. 5, direction to be given in sentence of 368, p. 1, person sentenced to be informed of period allowed for appeal 371, p. 3, sentence of, to be submitted for confirmation 374, power to make further inquiry or take additional evidence in such case 375, p. 1, powers of high court in

Death—concl'd.

respect of sentence of 376, confirmation of sentence of, or new order, to be signed by two judges 377, procedure where judges differ in opinion 378, copy of order to be sent to court of session 379, execution of sentence of 381, person sentenced to, not to be punished with whipping 393 (b), sentence of, when passed on escaped convict, to take effect immediately 396, p. 1, commutation of sentence of 402, of accused or appellant, abatement of appeal on 431, commitment of European British subject charged in mufassal with offence punishable with 447, p. 2, when high court may try European British subject charged in mufassal with offence not punishable with 448, form of warrant of commitment under sentence of sch. v, form xxxiv, form of warrant of execution on sentence of sch. v, form xxxv.

Debates of jury, foreman to preside in 280, p. 2.

Debts due to absconder, how attached 88, p. 3.

Decency, searching of women to be conducted with strict regard to 52.

Decision as to who is in possession of land, &c., occasioning dispute, procedure upon 145, pp. 2, 4, that no disputant is in possession in such case, procedure on 146, of competent civil court on dispute concerning easements, &c., order pending 147, by high court in case of doubt as to place of inquiry or trial 185, of objections to jurors 379, p. 1, on certain questions arising in jury trials, to be by judge 298, p. 1, 299 (d), of certain questions arising in jury trials, to be by jury 299, of officer preparing jury lists, no appeal from, or review of 313, p. 5, and reasons therefor, judgment to contain 367, p. 1.

Declaration as to payment of expenses of local inquiry into dispute concerning land, &c., 148, p. 1, dying given at police investigation may be signed and admitted in evidence 162.

- Defamation, cognizance of, taken only upon complaint by aggrieved person** 188, conviction of, only on complaint of aggrieved party 238 p. 3, compoundable 345, p. 1.
- Default of obedience to injunction for prevention of danger in nuisance case, procedure on** 142, p. 2.
- Defect in form of proceedings does not make distress illegal or distrainer a trespasser** 538.
- Defence evidence for, when taken in summons—cases** 244, p. 1, evidence for, when taken in warrant-cases 256, p. 1, trial to close of cases for prosecution and 286—296, accused in trials before high courts and courts of session when called upon to enter on his 289, p. 4, opening case for 290, charge to jury on conclusion of case for, to contain summing-up of evidence for 297, person incapable of making, owing to unsoundness of mind 464—468, procedure when lunatic prisoner reported capable of making 473.
- Definition of high court 4 (i), 266 of political agent 190, of offence when to be stated in charge** 221, p. 3.
- Delay offenders arrested by private persons to be made over to police officer without** 59, pp. 1, 2, offenders arrested by police to be taken before magistrate or officer in charge of police-station without 60, persons arrested under warrant to be taken before court without 81, in obtaining endorsement to warrant for execution outside jurisdiction 84, p. 3, police to send report of suspected cognizable offence to magistrate without 158, p. 2, police investigation to be completed without 178, p. 1.
- Delivery of property to absconder, order prohibiting** 88, p. 3, (c), (g), seized by police, magistrate to make order respecting 523.
- Demands, See Several** 363.
- Deposit of stolen property, forged documents, &c., search of place suspected to be used for** 98, on
- Deposit—concl'd.**
account of witnesses' expenses 216, prov. 2, 244, p. 3, 257, p. 2.
- Deposition of witness examined upon commission, to be sent to issuing court; open to inspection; may be read in evidence; to form part of record** 507, of medical witness taken by magistrate may be given in evidence, or court may examine him 509.
- Deputation to conduct inquiry into dispute concerning land, &c.,** 148, pp. 1, 2, to investigate suspected cognizable offence 157, p. 1, 159, when dispensed with 157, prov. (a).
- Deputy commissioner, as collector, form of order authorizing attachment by sch. v, form vi.**
- Deserter from army or navy, power to arrest person suspected of being** 54, *sixthly*.
- Design to commit cognizable offence information of** 150, to commit cognizable offence arrest on information of 151.
- Destruction of libellous and other matter** 521.
- Detention of offenders arrested without warrant, period of** 61, by postal department, of document in its custody, on requisition of certain officers 95, p. 2, in custody, of person likely to commit breach of peace 108, in prison, of person failing to comply with order for security 123, p. 1, pending orders of high court or court of session, of such person 123, p. 2, of persons forming part of assembly, excess force not to be used or injury done by military in effecting 130, p. 2, of accused persons, for more than fifteen days, procedure by magistrate not having jurisdiction and considering it unnecessary to order 167, p. 2, of accused person power of magistrates to authorize 167, p. 2, in police custody, magistrates authorizing, to record reasons 167, p. 3, of accused on discharge of jury 308, of person accepting tender of pardon 337, p. 3, of offenders attending court 351, power to direct

Detention—concl'd.

liberation of persons under illegal or improper 491 (b), by magistrate, of property seized by police 523, p. 2.

Determination of rights of parties to land, &c., occasioning dispute, attachment pending 146, by jury of meaning of technical terms 259 (b), judgment to contain points for 367, p. 1.

Diary, extract from, when to be sent to magistrate 167, p. 1, police-officer holding investigation to enter proceedings in: may be used by courts, but not by accused persons 172, pp. 1, 2.

Direction of warrant for execution of sentence of imprisonment 384.

Directions of the nature of a *habeas corpus* 491.

Discharge of person arrested by private person 59, p. 3, of persons arrested without warrant 63, of person required to furnish security for keeping peace or for good behaviour 119, imprisoned for failure to give security 124, of sureties to bond for keeping peace, &c., 126, of accused on inquiry 209, of accused in warrant case 253, when complainant absent 259, of jury on one juror ceasing attendance, &c., 282, p. 1, in case of sickness of prisoner 283, in high court, when not unanimous 305, pp. 3, 4, retrial after 308, of defendant on advocate general staying prosecution, not an acquittal 333, of accused not acquittal for purposes of re-trial 403, exp. by appellate court 423 (b), improper, powers of higher court on 436, 437, of lunatic prisoner 474, of offender in contempt, on submission or apology 484, of accused, upon withdrawal of public prosecutor from prosecution 494 (a), of person accused of bailable offence, on giving bond for appearance 496, of sureties to bail-bond 502, of person bound to be of good behaviour: proceedings void when made by magistrate not empowered 530 (e), of bond to keep peace: proceedings void when

Discharge—concl'd.

made by magistrate not empowered 530 (f), of person imprisoned on failure to give security, forms of warrant of, sch. v, forms xv, xliii.

Disclosure, tender of pardon to induce, other influence not to be used to induce or to prevent 337, 338, 343.

Discovery of persons wrongfully confined, processes for 100, of offender, taking measures for, on suspicion of cognizable offence 157, p. 1.

Discretion of magistrate as to detention of person arrested to prevent breach of peace 108, p. 2, of magistrate as to allowing additional time for verdict by jury inquiring as to order for removal of nuisance 141, of officer preparing lists of jurors 313, p. 5, of court as to interpreting documents 361, p. 3.

Disinterment, power of magistrate to order 176, p. 2.

Dismissal of complaint 203, of complaint not an acquittal for purposes of re-trial 403, exp., of appeal after hearing appellant, &c., 423, of complaint, power to direct further inquiry on 437.

Disobedience to direction of law with intent to save other party from punishment, charge of 223, ill. (f).

Dispersion of assembly on command 127, of assembly by civil force 128, of assembly by military force 129, procedure in reference to 130, by military officer without instructions from magistrate 131.

Disposal of attached property 88, p. 6, of government, restoration of attached property at 89, in place of safety, of stolen property, forged documents, &c., recovered upon search 98 (d), of things found in search beyond jurisdiction 99, of substance, conditional order for alteration of when likely to occasion conflagration or explosion 133, p. 1, of stolen property, assisting in, when triable summarily 260 (f), of property 517--525, of property, passing order regarding 517,

Disposal—concl'd.

p. 1, order for, may take form of reference to district or sub-divisional magistrate 518, stay of order regarding 520.

Dispute concerning land, &c., which is likely to cause breach of peace, procedure on information as to 145, procedure on attachment of subject of such 146, concerning easements, &c., procedure on information as to 147.

Disputes as to immoveable property 145–148, forms of orders in case of sch. v, forms xxii, xxiii, xxiv.

Distrainer not a trespasser because of defect in form of proceedings 538.

Distress and sale of moveable property for recovery of costs of removal of nuisance 140, p. 2, and sale of moveable property, issue of warrant for recovery of fine by 386, and sale of moveable property, beyond jurisdiction, recovery of fine by 387, court issuing warrant of, may take bond for offender's appearance 888, not illegal because of defect in form of proceedings 538, form of warrant of imprisonment on failure to recover amends by sch. v, form xxx, form of warrant to levy fine by sch. v, form xxxvii, form of warrant to enforce payment of maintenance by sch. v, form xlii.

District, meaning of magistrate of a division of a 3, p. 2, every session division to be a 7, p. 1, jurisdiction and powers of subordinate magistrates when to extend to whole 12, p. 2, framing of rules for guidance of magistrates' benches in each 16, procedure on arrest outside 85, attachment of absconder's property both within and without 88, p. 2, land paying revenue to government to be attached through collector of 88, p. 4, power to require officer in charge of police-station in any, to issue search-warrant 166, p. 1, disposal of thing found in different, under search-warrant issued at

District—concl'd.

request of officer in charge of police-station 166, p. 2.

District judge, registrar in contempt cases, when to lie to 486, p. 4.

"District magistrate," meaning of 3, p. 2, appointment of 10, vacancies in office of 11, definition by, of jurisdiction of subordinates 12, p. 1, appointment of sub-divisional magistrates by 13, p. 3, may frame rules for guidance of benches and for distribution of business 16, 17, p. 1, subordination of other magistrates to 17, p. 1, subordination of certain magistrates to sub-divisional magistrate, subject to control of 17, p. 2, not subordinate to sessions judge 17, p. 4, investiture of, with special powers 30, specially empowered, higher powers of court of 34, ordinary powers of 36, investiture of other magistrates with additional powers by 37, 38, report of apprehensions to; power of, to direct such reports to be made to sub-divisional magistrate 62, may direct warrants of arrest to land-holders, &c., 78, endorsement by, of order for attachment of absconder's property 88, p. 2, procedure as to production of document in custody of postal or telegraph department when required by 95, p. 1, procedure as to production of such document when required by other magistrates, and pending orders of 95, p. 2, alone authorized to grant warrant to search for document in custody of postal or telegraph department 96, p. 2, authorization by, of search of place suspected to contain stolen property, forged documents, &c., 98, power of court of, to require security for keeping peace 106, power of, to issue order to show cause against such security 107, power of court of, to issue order to vagrants and suspected persons to show cause against such security 109, power of court of, to issue order to habitual offenders to show cause

District magistrate—contd.

against such security 110, power of court of, to issue order to release person imprisoned for failing to give security 124, p. 1, report by, to court of session, in view to release of such person 124, p. 2, power of, to cancel bond for keeping peace 125, discharge by, of sureties to bond for peaceable conduct or for good behaviour 126, power of, to make conditional order for removal of nuisance 133, p. 1, order made by, not to be called in question by civil courts 133, p. 2, power of, to prohibit repetition or continuance of nuisance 143, authority of, to empower magistrate to prohibit repetition or continuance of nuisance 143, power of, to issue order absolute at once in urgent cases of nuisance 144, authority of, to empower any magistrate to issue such order 144, procedure by, on information as to dispute concerning land, &c., which is likely to cause breach of peace 145, attachment by, of land, &c., occasioning dispute 146, procedure by, in reference to disputes concerning easements, &c., 147, power of, to order inquiry into disputes concerning land, &c., 148, p. 1, police-officer's report on sudden or unnatural death to be forwarded to 174, p. 2, may hold inquests 174, p. 5, may empower any magistrate to hold inquests 174, p. 5, power of, to issue process for offence committed beyond jurisdiction 186, p. 1, person arrested under warrant issued by subordinate magistrate for offence committed beyond jurisdiction, when to be sent to 187, cognizance of offences by 191, p. 1, may empower any magistrate to take cognizance of offences upon complaint or upon police report 191, p. 2, may transfer case after taking cognizance 192, p. 1, magistrate of first class specially empowered by, may transfer case after taking cognizance 192, p. 2, may commit to court of session and high court 206, p. 1, offences

District magistrate—contd.

summarily triable by 260, cases in which special powers given by section 34 are exercised by, not to be tried summarily 260, prov., to summon jurors and assessors under direction of court of session 326, p. 1, to levy fine on juror or assessor for non-attendance 332, p. 2, may tender pardon, and authorize other magistrate to make such tender 337, p. 1, may be ordered to tender pardon after commitment 338, may appoint magistrate to receive case submitted by another who could not himself dispose of it 346, p. 1, empowered under section 80, offenders against coinage stamp-law and property when to be tried by 348, submission of proceedings to, when magistrate cannot pass sentence sufficiently severe: his powers 349, may set aside conviction based on evidence partly recorded by one magistrate and partly by another 350, prov. (b), court of session to send copy of its finding and sentence to 373, acting under section 34, procedure in reference to sentence submitted by, for confirmation 380, endorsement by, necessary to distress and sale of property for recovery of fine imposed in other jurisdiction 387, appeal from order requiring security for good behaviour, to lie to 406, appeal from sentence of certain magistrates to lie to: may transfer and again withdraw such appeals 407, appeal from sentence of 408, appeal from certain sentences by, only in case of combination of punishments 413 and 415, certifying order of high court on appeal to 425, power of, to call for records of inferior courts 435, p. 1, records called for by sub-divisional magistrate, when to be submitted to 435, p. 2, power of, to order commitment in case of improper discharge or inquiry by lower court 436, revising proceedings, may make, or direct subordinate magistrate to make, inquiry 437, revising proceedings may report case to high court

District magistrate—*concl.*

thereupon suspend and sentence and release accused 438, certifying high court's order in revision to 442, may pass orders for maintenance; appoint persons receive payments; and enforce orders 488, pp. 1, 3, may alter rate of maintenance allowance 489, appointment of public prosecutors by, or by sub-divisional magistrate subject to control of 492, p. 2, issue by, of commission for examination of witnesses 503, p. 1, commission for examination of witnesses may be directed to: duty of, on receiving same; may appoint magistrate of first class to execute commission 503, pp. 1, 3, subordinate magistrate may apply to, for issue of commission: powers of, on such application 506, endorsement by, necessary to execution in new jurisdiction, of warrant for recovery of penalty of bond 514, p. 3, order for recovery of penalty of bond may be appealed to, or revised by 515, when high court or court of session may direct order for disposal of property to be carried into effect by 517, p. 2, order for disposal of property may take form of reference to 518, property seized by police may be sold under orders of 524, p. 1, may withdraw or refer cases 528, p. 1, local government may authorize, to withdraw classes of cases 528, p. 2, power of, to compel restoration of adducted females 551, additional powers with which other magistrates may be invested by sch. iv.

Districts, alterations in constitution of 7, p. 2, present, maintained 7, p. 3, presidency-towns deemed to be 7, p. 4, division of, into sub-divisions 8, p. 1 appointment of magistrates for 10, appointment of subordinate magistrates in, and definition of their jurisdiction 12, p. 1.

District superintendent of police, procedure as to production of document in custody of postal department, when required by 95, p. 2.

Disturbance of public peace, assembly likely to cause, to disperse on command 127, of possession of land, &c., occasioning dispute, forbidding of, until legal eviction 148, p. 3.

Division of a district, meaning of magistrate of 3, p. 2.

Divisions, territorial 7, 8.

Document or thing, summons or order to produce 94, p. 1, in custody of postal or telegraph department, procedure as to production of 95, or thing, issue of search-warrant to cause production of 96, p. 1, in custody of postal or telegraph department, district magistrate alone authorized to grant search-warrant for 96, p. 2, produced before court, power to impound 104, or thing, search by, or under orders of, police-officer in view to production of 165.

Documents, and other moveable property, processes to compel production of 94—105, given in evidence, sanction necessary to prosecutions for offences relating to 195, p. 1 (c), in jury trials, judge to decide meaning and construction of 298 (b), jury to determine meaning of words in 299 (b), interpretation of 361, p. 3, imprisonment or commitment on refusal to produce 485.

Door, breaking open, to effect arrest 48; breaking open, for liberation after entry into place in order to effect arrest 49.

Doubt, high court to decide place of inquiry or trial in case of 185, as to what offence has been committed, mode of charging in case of 286.

Duplicate summons to be issued in 68, p. 1, 72, of summons where to be affixed when signature not obtainable 71, summons to be served outside jurisdiction to be issued in 73, duly endorsed, proof of service of summons by production of 74, p. 1.

Duplicates of summons, one of, to be tendered to person summoned, and the other to be

Duplicates—*concl'd.*

signed by him 69, of summons to person who cannot be found, one of, to be left with adult male member of his family and the other to be signed by such member 70.

Duties of district magistrate to be performed by temporary successor 11, power to arrest persons obstructing police-officer in execution of 54, *Arthly*, of receivers appointed for attachment of property of absconders 88, p. 5, of police, objection to juror on ground of his executing or being entrusted with 278 (e).

Duty of military officer to disperse assembly 130, of foreman of jury 280, p. 2, of juror or assessor having knowledge as witness 294, of judge in jury trials 298, of jury 299.

Education, regard to be had to, in preparing list of special jurors 813, p. 3.

Effect of evidence produced by parties to dispute concerning land, &c., to be considered 145, p. 2, of memorandum attached to record of confession 164, p. 3, of error or omission in charge 225, of withdrawal of remaining charges on conviction on one of several 240, of entry on unsustainable charge 273, p. 2, of judge's entry that accused should not be re-tried after discharge of jury 308, of composition 345, p. 5, of withdrawal of public prosecutor from prosecution 494.

Emergency, temporary orders for removal of nuisances in cases of: orders may be passed *ex-parte* 144, p. 2.

Enactments regulating mode or place of inquiry or trial, saving of 5, conferring jurisdiction on magistrates or court of session, application of, to European British subjects 459.

Endorsement on duplicate of summons for government or railway servants 72, on duplicate of summons admissible in evidence 74, p. 1, on warrant of arrest for taking security 76, on warrant of arrest of.

Endorsement—*concl'd.*

executing officer's name 79, on warrant of arrest, of name of magistrate or commissioner of police in whose jurisdiction it is to be executed 83, p. 2 on warrant of arrest of name of magistrate or police-officer in whose jurisdiction it is to be executed 84, of order for attachment, in other district, of absconder's property 88, p. 2, by magistrate beyond jurisdiction, of order for attachment and sale of property for recovery of costs of removing nuisance 140, p. 2, on complaint returned for presentation to proper tribunal 201, necessary to distress and sale of property in other jurisdiction for recovery of fine 387, by district magistrate necessary to execution beyond jurisdiction of warrant for recovery of penalty of bond 514 p. 3, on warrant of arrest, form of, sch. v, form ii.

Enforcement of order of maintenance, mode of 488, p. 3, of order of maintenance, by any magistrate 490, of penalty of bond 514, 516, of or for restoration of abducted females 551.

English, evidence taken in mufassal in, when to be interpreted to accused 356, p. 2, local government may direct evidence in mufassal, to be taken down in 357, prov., magistrate's or judge's memorandum of accused's examination, when to be written in 364, p. 3, judgment may be taken in 367, p. 1.

Engraving included in *Writing* 4 (e)

Enhancement of sentence by high court revising proceedings 439.

Enticing away married woman and adultery, joinder of charges of 285, ill. (c), or taking away, or detaining, with criminal intent, a married woman, compoundable 345, p. 1.

Entrance to place, forcing, in order to arrest 48, to place suspected to contain stolen property, forged documents, &c., for purposes of search, authorization of 98, by police into place suspected to contain false weights or measures 163, p. 1.

Entries, power to make rules for subordinate courts in reference to keeping 553, p. 2, (a).

Entry on record, on proof of security for keeping peace, or for good behaviour, not being necessary 119, in book, of information concerning commission of cognizable or non-cognizable offence 154, 155, p. 1, in form directed by local government, of particulars of summary trials where no appeal lies 263, on unsustainable charge, effect of 273, pp. 1, 2, on charge when judge considers accused should not be retried after discharge of jury, effect of 308, On unsustainable charge, not an acquittal for purposes of retrial 403, exp.

Error in charge, effect of 225, in charge procedure by appellate and other courts in respect of 232, clerical, in judgment, courts may correct, 369, in charge or proceedings, finding, sentence or order when reversible by reason of 537.

Escape, arrest and re-taking 46—67, procedure where ingress to arrest not obtainable, and prompt measures are necessary to prevent 48, persons arrested not to be subject to more restraint than is necessary to prevent 50, from lawful custody, power to arrest persons accomplishing or attempting 54, *fifthly*, from custody, power to pursue and re-take on 66, from custody, provision applicable to 67, from custody offence of, where triable 181, p. 1.

Escaped Convicts, information regarding resort of 45, direction of warrants to landholders, &c., for arrest of 78, execution of sentences on 396, not to be excused from punishment upon former or subsequent conviction 398.

European, fact to be mentioned in list when juror or assessor for court of session is an 321, p. 2.

European British subject, procedure by committing magistrate where sessions judge is not an 450, mixed jury or mixed set of assessors for trial of 451, and person of other race, jointly accused, trial of 452.

European British subject—*concl.*

procedure on claim to be dealt with as an 453, pp. 1, 2, decision that person is not an, a ground of appeal 453, p. 3, failure by, to plead status, a waiver 454, p. 1, magistrate when to ask accused whether he is an 454, p. 2, trial as, of person who is not one 455, under detention may apply for order to produce his person: procedure thereon; territories throughout which high court may issue orders 456—458 effect of omission to ask accused whether he is an 534.

European British subjects, definition of "High court" in reference to proceedings against 4, (i) defined 4 (u), mufassal justices of peace to be 22, falling under European vagrancy act, 1874, provisions not applicable to 111, in British Burma, recorder to decide place of trial of, in case of doubt 185, p. 2, may be tried for offences committed in native state 188, persons charged in mufassal jointly with, when to be committed to high court 214, power to appoint place of trial by high court of 336, parentage and residence of accused need not be recorded in presidency magistrates' judgments when they are 370 (d), may appeal either to high court or court of session 408, prov. (b), appeals may be made by, in petty cases, and from summary convictions 416, finality of orders on appeal, except those affecting 430, magistrates who may inquire into and try charges against, 443, qualifications required from judges in courts of session in respect of jurisdiction over 444, cognizance of offences committed by 445, process compelling appearance of, how to be made returnable 445, prov. sentences which may be passed by mufassal magistrates on 446, commitment of, when to be to court of session and when to high court 447, charged in mufassal with offences not punishable with death or with transportation for life, when triable by high court 448, sentences which may be passed by court of session on, procedure when judge finds

European British subjects—concl.

powers inadequate 449, enactments applied to 459, proceedings against, how conducted 463.

Europeans and Americans, criminal proceedings against 443–463, or **Americans, moiety of jury or assessors** when to consist of 451, (not being **European British subjects**) or **Americans, moiety of jury or assessors for trial of**, when to consist of **Europeans or Americans** 460, or **Americans charged jointly with person of other race, trial of** 461, **summoning and empannelling jurors for trial of** 462, **proceedings against, how conducted** 463.

Eviction legal, undisturbed retention of land, &c., occasioning disputes until 145, p. 3,

Evidence, proceedings for collection of, included in *Investigation* 4 (b), **proceedings involving taking of**, are **judicial proceedings** 4 (d), **proceedings admissible in reference to service of summons** 74, not necessary to be taken before issuing proclamation for absconder 87, p. 1, **statement by court as to Publication of proclamation for absconder conclusive** 87, p. 3, on **apprehended breach of peace or of good behaviour** 117, p. 1, **admissible to prove person being habitual offender** 117, p. 3, **power to call for further, in case of failure to comply with order for security** 123, p. 3, **discretion of magistrate as to taking, before passing order for removal of nuisance** 133, p. 1, **to be taken on party appearing to show cause against order for removal of nuisance** 137, p. 17, **of parties to dispute concerning land, &c., receiving and considering effect of produced, and taking further** 145, p. 2, **report of inquiry into dispute concerning land, &c., may be read as** 148, p. 2, **witnesses' statements to police not to be used as** 162, **statements before inquiry or trial, record of** 164, p. 2, **police diaries not to be used as** 172, p. 2,

Evidence—contd.

taken on inquiry into cause of sudden or unnatural death, record of 176, p. 1, **power to direct copies of depositions and exhibits to be received in** 188, on **inquiry, how taken by magistrate** 208, p. 1, **further, magistrate may call for** 208, p. 1, **further, magistrate to issue process for, when desired by accused** 203, p. 2, **things to be produced in, to be forwarded to court on commitment** 218, p. 1, (2), **when to be taken in summons-cases** 244, p. 1, **further, magistrate trying summons case may issue process for production of** 244, p. 2, **produced and called for by magistrate, acquittal or sentence after taking** 245 for **prosecution, when to be taken** 252, p. 1, **for prosecution magistrate to summon witnesses to give,** 252, p. 2, **produced and call for by magistrate, discharge after taking,** 253, p. 1, **produced and call for by magistrate framing charge after taking** 254, **accused when to be called upon to produce** 256, p. 1, **further, magistrate to issue process on application of accused for production of, or to record reasons for not doing so** 257, p. 1, **need not be recorded in summary trials in cases where no appeal lies** 263, **substance of, when to be embodied in judgment** 264, p. 1, **objection to juror on ground of inability to understand language of** 278 (g), **relied upon to be stated shortly by prosecutor when opening case** 286, p. 1, **examination of accused to be read as** 287, at **preliminary inquiry, when admissible** 288, **accused to be asked whether he means to adduce, procedure on his replying** 289: for **prosecution, defence may comment on,** 290, **prosecutor's right of reply when accused means to adduce** 292, **summing up, in charge to jury** 297, in **jury trials, judge to decide admissibility of, and may reject inadmissible** 298 (a), in **jury trials, judge to decide construction of documents given in** 298 (b).

Evidence—*contd.*

summing up, in trial with assessors 309, p. 1, tender of pardon in view to obtaining 387, 388, statement by person under pardon may be used against him as 339, p. 2, accused's answers may be given in 342, p. 3, further, likelihood of obtaining, a reasonable cause for remand 344, exp. magistrate receiving case from one who could not pass sufficient sentence may take 349, p. 2, partly recorded by one magistrate and partly by another, conviction or commitment on 350, mode of taking and recording 353—365 taken when to be taken in presence of accused or his pleader 353, record of, in mufassal summons-cases and in certain trials 355, record of, in other cases in mufassal 356, in mufassal, power to appoint manner and language of record of 357, in mufassal summons-cases and in certain trials, discretion as to recording 358, when to be recorded in narrative form 359, p. 1, when to be read over to witness; when corrected, or memorandum made; when to be interpreted to witness 360, interpretation of, to accused or his pleader 361, pp. 1, 2, record of, in certain cases, in presidency magistrate's courts 362, record of, in chartered high courts and chief court, Panjab 365, high court may take additional, or direct it to be taken, in reference to sentence submitted for confirmation; not to be taken in presence of jurors, assessors or convict; not taken by itself to be certified to court 375, sessions judge may take additional, in reference to sentence submitted for confirmation, or direct it to be taken: when not to be taken in presence of jurors, assessors or convict; not taken by itself to be certified to sessions court 380, appellate court may take additional, or direct it to be taken; not taken by itself to be certified to court: ordinarily to be taken in presence of accused or his pleader, but not of jurors or assessors 428,

Evidence—*concl.*

certificate that accused who has been insane is capable of making defence receivable in 467 p. 2, certificate of inspector-general of prisons or visitors of lunatic asylum receivable as 473, commission of inquiry in lunacy may take 474, p. 2, certificate of inspecting officer, in case of lunatic delivered to relative, receivable as 475, p. 3, in maintenance cases to be taken in presence of husband or father 488, p. 6, certain high courts may direct production of prisoner in order to give 491, (c), (d), issue of commission by certain courts for taking, duty of receiving officer 503, mufassal subordinate magistrates may apply to district magistrate for issue of commission for taking 506, commission, return thereto and depositions of witnesses, how read in 507, special rules of 509—512, deposition of medical witness may be given in, or court may call witness 509, report of chemical examiner may be used as 510, previous conviction or acquittal how proved, as to identity admissible 511, record of, in absence of accused 512, order for disposal of property produced in 517, p. 1, to be taken when confession or other statement by accused not complete 533, form of bond to prosecute or give sch. v, form xxvi.

Examination of proceedings in case of failure to comply with order for security 123, p. 3, of witnesses by police 161, police may forward corpse to medical officer for 174, p. 8, of body already interred, power to order 176, p. 2, of complainant to be on oath, substance to be reduced to writing and signed by complainant and magistrate 200, of complainant when dispensed with by magistrate transferring case 200, prov. (a), of complainant by presidency magistrate, may be made on oath or not, at discretion 200, prov. (b), by magistrate, of witnesses named in additional list given by accused 212, of supplementary witnesses summoned

Examination—*conclid.*

after commitment, magistrate's power of 219, p. 1, supplementary witnesses summoned after commitment, to be taken in presence of accused 219, p. 2, of accused prior to acquittal, optional 245, p. 1, of accused to discharge, optional 253, p. 1, of accused, framing charge after 254, to be entered in record of summary trials 263 (g), of prosecution witnesses, by prosecutor 286, p. 2, of accused, when to be read as evidence 287, of accused and of witnesses for prosecution, procedure after 289, of defence witnesses 290, of witnesses not named at first instance, right of accused as to 291, of juror or assessor 294, of person accepting pardon 337, p. 2, of parties and witnesses by magistrate receiving case from one who could not pass sufficient sentence 349, p. 2, of offenders attending court 351, of accused how recorded, except in certain trials 364, of accused to be recorded in presidency magistrate's judgment 370 (f), by new judge, in case submitted to high court for confirmation of sentence 378, by new judge in appeals 429, medical, of accused, when of unsound mind, of medical officer thereupon; the latter to be reduced to writing 464, p. 1, as witness, certain high courts may direct production of prisoner for 491 (c), (d), of witnesses, commissions for, 503—508, issue of commissions for, by certain magistrates or courts, duty of receiving officer 503, direction of commission for, when witness in presidency-town 504, upon interrogatories, by parties themselves when commission issued 505, of witnesses, subordinate magistrate may apply to district magistrate for issue of commission for 506, of medical witness whose deposition has been taken 509, p. 2, of prosecution witnesses in absence of accused 512, and summoning of material witness at any stage of proceedings, and of person present 540, power to order prisoner in jail to be brought up for 542, p. 1.

Excavation, conditional order for fencing 133, p. 1.

"Exchange," order for disposal of property may be made in respect of property or thing acquired by 517, exp.

Execution of warrant, aid to person other than police-officer, in 48, currency of warrant of arrest until 75, p. 2, discretion as to direction of warrants in view to immediate 77, of warrants of arrest, when directed to several persons 77, p. 2, of warrants of arrest directed to landholders, &c., 78, p. 2, of warrants of arrest directed to police-officers 79, of warrants of arrest in any place in British India 82, of warrants of arrest outside jurisdiction 83, 84, of warrants of arrest outside jurisdiction procedure on 85, of warrants of arrest restoration of attached property on absconder's proving absence of intention to avoid 86, of summonses and warrants, provisions generally applicable to 93, of search-warrant, direction to person charged with, as to extent of search 97, of search warrant disposal of things found beyond jurisdiction on 99, of search warrant persons in charge of closed place to allow search by person charged with 102, p. 1, of search warrant procedure by officer charged with, on refusal of entry into closed place 102, p. 2, of warrant issued under section 114, copy of order to be delivered on 115 of warrant issued under section 114, inquiry as to truth of information, on 118, by sureties, of bond for good behaviour, when principal is a minor 118, prov. 3, of order passed on failure to appoint jury in nuisance case, or on omission of jury to return verdict 141, of sentence of death to be stayed pending confirmation 374, 381—400, of high court's order on submission of sentence of death for confirmation 381, of capital sentence on pregnant woman 382, of warrant for levy of fine 387, of sentence of whipping, time and place of 390, of sentence of whipping

Execution—*concl.*

in addition to imprisonment 391, of sentence of whipping, manner of 392, of sentence of whipping, not to be by instalments 393, of sentence of whipping, stay of, when offender not in health 394, p. 2, of sentence of whipping, when prevented by offender's ill-health 395, of sentences on escaped convicts 396, warrant to be returned to court on, power to suspend 401, p. 1, of warrant for recovery of penalty of bond 414, p. 3, for levy of fine, power to make rules regulating 553 (d), of sentence of death, form of warrant for sch. v. form xxxv.

Exemption of salaried officers of government from service as jurors in high courts 313, p. 4, from personal appearance in court, carries exemption from service as juror or assessor 320 (j).

Exemptions from service as jurors and assessors 320, 324, p. 1, from services jurors and assessors when waived 324 p. 5.

Ex parte when orders in cases of nuisance may be passed, 144, p. 2.

Expenses of local inquiry into dispute concerning land, &c. 148, p. 1, of obtaining attendance of unnecessary defence witness, deposit for 216, prov. 2, of witnesses applied for in summons-case, deposit for 244, p. 3, of defence witnesses applied for in warrant-case, deposit for, 257 p. 2, of complainant and witnesses, payment of 544, of prosecution, power to order payment from fine of 545 (a).

Expiration of imprisonment, commencement of period for security on 120, p. 1 of period for security, detention in prison of person falling to comply with order under section 106 or 118, until 123 p. 1.

Explaining substance of order for showing cause when party present in court 113, order under section

Explaining—*concl.*

112, inquiry as to truth of information, after 117, charge to accused commitment 210, p. 2, alteration in charge to accused 227, p. 2, charge to accused in warrant-cases 255, p. 1, charge to accused in trials before high courts and courts of session 271 p. 1, judgment to accused 371 p. 1.

Explanation by accused, of his answers 364, p. 1.

Explosion, likely, conditional order when 183, p. 1.

Exposure of child and culpable homicide, joinder of charges of 235 ill. (k).

Expressions in former acts corresponding with those in code 3, p. 2.

Expressions—*contd.*

interpretation of other 4, p. 1, defined in penal code 4, p. 2, jury when to decide applicability of, to particular cases 299 (d), judge when to decide applicability of, to particular cases 299 (d).

Extortion, arrest for habitually committing 55 (c), security from persons habitually committing 110, place of inquiry into, and trial when for 179, ill. (c), charge of 221, ill. (c).

Extract from records of courts, previous conviction or acquittal proved by 511 (a).

Fact of possession, order to parties to dispute concerning land, &c., to put in claims as to 145, p. 1, in jury trials, judge to decide upon all matters of, 298, p. 1, (c), or mixed law and fact relevant to proceeding, judge may express to jury his opinion on question of 298, p. 2, jury to decide questions of 299 (c) appeal admissible on matter of, except where trial was by jury 418.

Facts material, order in urgent nuisance case to state 144, p. 1, of suspected cognizable case, investigation into 157, p. 1, on which defence intends to rely to be stated 290, in jury trials,

Facts—concl'd.

judge to decide relevancy of 398, p. 1, (a), jury to decide true view of 299 (a), stated by presidency magistrate to be considered by high court revising proceedings 441, constituting offence, record of, in contempt cases 481, p.

Failure to appear to summons, issue of warrant on 90, to give security, imprisonment for 123, p. 3, prov., to give security for keeping peace, kind of imprisonment awardable on 123, p. 4, to give security for good behaviour kind of imprisonment awardable on 123, p. 5, to give security, release of person imprisoned for 124, p. 1, to give security, report in view to release of person imprisoned for 124, p. 2, to appoint jury to inquire into property of order for removal of nuisance, procedure on 141, of jurors to attend at high court, punishment on 318, of juror or assessor to attend at court of sessions punishment on 332, to plead status as European British subject, a waiver 454, p. 1, to find sufficient sureties when those accepted have proved insufficient, procedure on 501, to give sufficient sureties on original ones being discharged, procedure on 502, p. 3, of justice, a ground for setting aside finding, sentence or order on proceedings in wrong place 531, of justice, a ground for invalidating finding or sentence when no charge framed 535, of justice, finding, sentence or order reversible when error, &c, in proceedings has occasioned 537, to find security for keeping peace, form of warrant of commitment on sch. v, form xiii, to find security for good behaviour, form of warrant of commitment on sch. v, form xiv, to give security, form of warrant to discharge person imprisoned on sch. v, forms xv, xliii, to recover amends by distress, form of warrant of imprisonment on sch. v, form xxx,

Failure—concl'd.

to pay maintenance, form of warrant of imprisonment on sch. v, form xl.

False answers, accused not liable for giving, inferences from 342, p. 2.

False charge and giving false evidence, joinder of charges of 235, ill. (f).

False evidence, previous sanction necessary to prosecutions for giving 195, p. 1 (b), charge of giving 223, ill. (c), charge of using 232, ill., and false charge, joinder of charges of 235, ill. (f), commitment of person offered pardon, on his giving sanction required to prosecution 339, pp. 1, 3, form of charge of giving sch. v, form xxviii, (I), (5), alternative charges in case of, sch. v, form xxviii, (II), (4).

Falsely instituting proceedings, and making false charge, joinder of charges of 235, ill. (e).

False name or residence, committer of non-conizable offence giving 57.

False weights and measures, search by police for 153, p. 1, seizure by police of 153, p. 2.

Family of person summoned, leaving copy of summons with member of, such member to sign other copy 70.

Farmers, direction of warrants of arrest to 78.

Females not to be punished with whipping 393 (a), abducted, power to compel restoration of 551.

Fencing tank, well or excavation conditional order for 133, p. 1.

Filing judgment with record of proceedings 372.

Finality of decision of objections to jurors 279 p. 1, of judge's decision as to whether question is for himself or for jury 298 (d), of order by officers preparing or revising list of jurors or assessors 824, p. 4, of orders on appeal 430.

Finding in summons-cases not limited by complaint or summons 246, to be entered in record of summary trial 263 (A), of not guilty, when court may record, in trial with assessors 289, pp. 2, 3, and sentence of court of session, copy of, to be sent to district magistrate 373, appellate court may reverse or alter, 423 (b), to state whether accused committed offence charged or not, when acquitted on ground of lunacy 470, record of, in contempt cases of which court insulted takes cognizance 481, p. 1, in contempt case appellate court may alter 486, p. 2, arrived at on proceedings in wrong place, when set aside 531, when invalid, if no charge has been framed 535, p. 1, when reversible by reason of error, omission or irregularity in charge or proceedings 537.

Fine awardable by different courts of magistrates, amounts of 32 (a), (b), (c), terms of imprisonment in default of payment of 33, courts of district magistrates specially empowered may award, 34, p. 1, jurors failing to attend at high court liable to, with imprisonment in default 318, jurors and assessors failing to attend at court of session liable to; how levied; imprisonment in default 332, exceeding two hundred rupees, record of evidence in cases where presidency magistrates impose 362, judgment in case of sentence of, may be pronounced in presence of accused's pleader 366, exceeding two hundred rupees, reasons for conviction to be stated in presidency magistrate's judgment awarding 370 (i), issue of warrant for levy of 386, effect of warrant for levy of 387, with imprisonment in default, court issuing distress warrant may suspend execution of sentence of imprisonment and take bond for offenders appearance 388, who may issue warrant for levy of 389, sentence of, when imposed on escaped convict, to take effect immediately 396, no appeal from sentence of imprisonment in default of, when no substantive sentence of im-

Fine—*concl'd.*

prisonment has been passed 413, exp., not exceeding two hundred rupees, no appeal from summary conviction with, except when combined with other punishment 414, 415, imprisonment in default of, not combined sentence 415, exp., by mufassal magistrate on European British subject, limit of 446, by court of session on European British subject, limit of 449, p. 1, in contempt cases, punishment in default of payment of 480, maintenance allowance recoverable as 488, p. 3, power to order payment of prosecution expenses or compensation out of, to be deferred pending appeal 545, moneys ordered to be paid recoverable as 547, compensation to person groundlessly given in charge in residency-town recoverable as 552, certain high courts may make rules regulating execution of warrants for levy of 553 (d), form of warrant of commitment on sentence of, if passed by magistrate sch. v, form xxix, form of warrant for levy of, by distress and sale sch. v, form xxxvii.

Forbidding disturbance of possession of land, &c., occasioning dispute, until legal eviction 145, p. 3.

Force, civil, use of, to disperse assembly 128, military dispersion of assembly by 179, military, procedure in reference to dispersion of assembly by, 130, excess, not to be used by military in dispersing assembly 130, p. 2, military, dispersion of assembly by, without instructions from magistrate 131.

Foreign jurisdiction and extradition act, 1879, bar to further proceedings under 188, prov. 2.

Foreign state, justices of peace for presidency-towns not to be subjects of any 23.

Foreman of jury for inquiry into propriety of order for removal of nuisance: to be nominated by magistrate summoning of 188 (a), (b), to be appointed by jury 280, p. 1, of jury duty of 280, p. 2,

Foreman—*concl.*

to be appointed by court on jury falling 280, p. 8, to deliver verdict of jury 301, to inform judge when jury in high court are not unanimous, but six are of one opinion 305, p. 2.

Forfeiture, witness at police investigation may refuse to answer questions tending to expose him to 161, p. 2, witness at police investigation into sudden or unnatural death not to answer questions tending to expose him to 175, p. 1.

Forged document, using as genuine and using in evidence, joinder of charges of 235, ill. (7).

Forged Documents, search of place suspected to contain 98.

Forging, search of place suspected to contain materials for 98.

Form of summons 68, p. 1, of warrant of arrest 75, p. 1, of book for entry of information concerning commission of offences 154, 155, p. 1, of charges 221—232, of charges, court to be guided by rules as to 226, of entry of particulars of summary trials where no appeal lies, to be prescribed by local government 263, of summons to jurors and assessors 328, of recording evidence in certain cases in the mufassal 359, p. 1, of recording evidence in certain cases in presidency magistrates' courts 362, p. 2, of appeal 419, of proceedings distress not illegal nor distrainer a trespasser because of defect in 538, of summons to accused sch. v. form i, of warrant of arrest, and endorsement thereon sch. v. form ii, of bond and bail-bond after arrest under warrant sch. v. form iii, of proclamation requiring appearance of person accused sch. v. form iv, of proclamation requiring attendance of witness sch. v. form v, of order of attachment to compel attendance of witness sch. v. form vi, of order of attachment to compel appearance of accused sch. v. form vi, of order authorizing attachment by deputy commissioner as collector sch. v.

Form—*cont.*

form vi, of warrant in first instance to bring up witness sch. v. form vii, of warrant to search, after information of particular offence sch. v. form viii, of warrant to search suspected place of deposit sch. v. form ix, of bond to keep peace sch. v. form x, of bond for good behaviour sch. v. form xi, of summons on information of probable breach of peace sch. v. form xii, of warrant of commitment on failure to find security to keep peace sch. v. form xiii, of warrant of commitment on failure to find security for good behaviour sch. v. form xiv, of warrant to discharge person imprisoned on failure to give security sch. v. form xv, of order for removal of nuisances sch. v. form xvi, of order constituting jury, in nuisance cases sch. v. form xvii, of notice and peremptory order after finding by jury, in nuisance cases sch. v. form xviii, of injunction pending inquiry by jury, in nuisance cases sch. v. form xix, of order prohibiting repetition, &c., of nuisance sch. v. form xx, of order to prevent obstruction, riot, &c., sch. v. form xxi, of order declaring party entitled to possession of land, &c., in dispute sch. v. form xxii, of warrant of attachment in case of dispute as to possession of land, &c., sch. v. form xxiii, of order prohibiting the doing of anything on land or water sch. v. form xxiv, of bond and bail-bond on preliminary inquiry before a police-officer sch. v. form xxv, of bond to prosecute or give evidence sch. v. form xxvi, of notice to government pleader, of commitment by magistrate sch. v. form xxvii, of warrant of commitment on sentence of imprisonment or fine passed by magistrate sch. v. form xxix, of warrant of imprisonment on failure to recover amends by distress sch. v. form xxx, of summons to witness sch. v. form xxxi, of precept to district magistrate to summon jurors and assessors sch. v. form xxxii, of summons to

Form—concl'd.

juror or assessor sch. v, form xxxiii, of warrant of commitment under sentence of death sch. v, form xxxiv, of warrant of execution on sentence of death sch. v, form xxxv, of warrant after commutation of sentence sch. v, form xxxvi, of warrant to levy fine by distress and sale sch. v, form xxxvii, of warrant of commitment in cases of contempt when fine imposed sch. v, form xxxviii, of magistrate's or judge's warrant of commitment of witness refusing to answer sch. v, form xxxix, of warrant of imprisonment on failure to pay maintenance sch. v, form xl, of warrant to enforce payment of maintenance by distress and sale sch. v, form xli, of bond and bail-bond on preliminary inquiry before magistrate sch. v, form xlii, of warrant to discharge person imprisoned on failure to give security sch. v, form xliii, of warrant of attachment to enforce bonds sch. v, form xliv, of notice to surety on breach of bond sch. v, form xlv, of notice to surety on forfeiture of bond for good behaviour sch. v, form xlvi, of warrant of attachment against surety sch. v, form xlvii, of warrant of commitment of surety of accused admitted to bail sch. v, form xlviii, of notice to principal, of forfeiture of bond to keep peace sch. v, form xlix, of warrant to attach property of principal on breach of bond to keep peace sch. v, form l, of warrant, imprisonment on breach of bond to keep peace sch. v, form li, of warrant of attachment and sale on forfeiture of bond for good behaviour sch. v, form lii, of warrant of imprisonment on forfeiture of bond for good behaviour sch. v, form liii.

Forms prescribed under former acts, saved 2, p. power of high courts not chartered to frame, not to be inconsistent with law 553, (b), and prov. in schedule V, to be used 554, of charges sch. v, form xxviii.

Fort St. George, code does not apply to officers authorized to try offences

Fort—concl'd.

in military bazars at cantonments and stations occupied by troops of 1, p. 2, (b), code does not apply to heads of villages in, except as specially provided 1, p. 2, (c), investigations into sudden or unnatural deaths in, may be made by heads of villages 174, p. 4.

Fort william, local limits of certain jurisdiction of high court at, called *presidency town* 4 (h), high court at, a *High court* as regards proceedings against European British subjects 4 (i), may issue directions of the nature of *habeas corpus* and frame rules. 491, pp. 1, 2.

Factures to be described in police-officer's report on sudden or unnatural death 174, p. 1.

Fraud, insufficient sureties accepted owing to 501.

Frequenting particular place, order in urgent case of nuisance may be directed to public when 144, p. 3.

Friend delivery of lunatic to care of 475.

Gazette, appointment of justices of the peace to be notified in 22, 23, notification in, of prolongation of currency of orders made in urgent cases of nuisance 144, p. 5, lists of jurors for high court to be published in, 314, pp. 1, 2, notice of high court sittings to be given in, 335, p. 3, notification in, of transfer of case by governor general 527, p. 1, publication in, of rules framed by high courts 553, p. 3.

Good behaviour, security for 107—119, power to require security for, from vagrants and suspects 109, power to require security for, from habitual offenders 110, order for security for, form of inquiry as to truth of information 117, p. 2, passing order requiring security for 118, discharge on proof of no necessity to require security for 119, contents of bond for 121, what constitutes breach of bond for 121, kind of imprisonment awardable on failure to give security for 122,

Good behaviour—*concl'd.*

rejection of sureties offered to bond for, reasons to be recorded 123, p. 5, discharge of sureties to bond for 126, appeal from order requiring security for 406, deposit not to be accepted instead of recognizance, in case of bond for 513, discharge of person bound to be of, proceedings void when discharge made by magistrate not empowered 541 (c), form of bond for sch. v, form xi, form of warrant of commitment on failure to find security for sch. v, form xiv, form of notice to surety on forfeiture of bond for sch. v, form xvi, form of warrant of attachment and sale on forfeiture of bond for sch. v, form lii, form of warrant of imprisonment on forfeiture of bond for sch. v, form liii.

Good faith, persons acting in, not deemed to have committed offence 132 (a), (b), (c), no suit to lie in respect of thing done in 140, p. 3, 142, p. 3, proceedings not vitiated when magistrate not empowered acts in 529.

Goods, order prohibiting keeping of noxious 133, p. 1, removed by magistrate's order, sale of, for recovery of costs 140, p. 2, stolen, place of inquiry and trial for receiving or retaining 186, ill. (b).

Government, continuance of powers on transfer from one office to another under same 40, officers employed in collecting land-revenue for, bound to report certain matters 45, service of summons on servant of 72, mode of attaching absconder's land paying revenue to 88, p. 4, absconder's attached property to be at disposal of 88, p. 6.

Government restoration of attached property at disposal of 89, may determine manner, &c., of prosecution of judge or public servant 197, p. 2, exemption of officers of, from service as jurors 313, p. 4, when servant of, may be excused attendance as juror or assessor 329, property seized by police to be at disposal of, when no claimant appears 524, p. 1.

Government solicitor may conduct prosecution without obtaining special permission 495, p. 1.

Governor General, a justice of the peace in virtue of his office 25.

Governor General in council may appoint officer to act as high court 4, (i) sanction of, required to alteration of number of sessions, divisions or of districts 7, p. 2, sanction of, required to delegation of authority to appoint special magistrates 14, p. 3, appointment of mufassal justices by 22, appointment of Calcutta justices by 23, present mufassal justices deemed appointed by, 24, p. 1, suspension and removal of judges and magistrates by 26, suspension and removal of justices by 27, sanction of, to prosecutions for acts done 132, 1, may appoint place of sittings of Calcutta high court 335, p. 1, Calcutta high court may hold sittings at any place within its appellate jurisdiction when approved by 335, p. 2, power of, to suspend or remit sentences and to cancel suspension or remission 401, pp. 1, 2, 3; power of, to commute sentences 402, may appoint additional territories throughout which high court may order production of European British subject 458, power of, to appoint public prosecutors 492, p. 1, power of, to transfer cases 527, p. 1, rules for payment of expenses of complainant and witnesses to have sanction of 544, may make rules as to trial of military offenders by court martial or by civil court 549, p. 1, sanction of, to rules of high court for inspection of records of subordinate courts 553, p. 1.

Grand-child, legitimate, of certain person, an *European British subject* 4 (u), (2).

Gratification, form of charge of accepting illegal sch. v, form xxxviii, (i), (3).

Grievous hurt, place of inquiry and trial of 179, ill. (b), charges of 221, ill. (b), 233, ill., 238, ill. (b), and rescue, joinder of charges of

Grievous—*concl.*

235, ill. (a), rioting and assaulting public servant, joinder of charges of 235, ill. (g), when compoundable 345, p. 2, form of charge of sch. v, form xxviii, (1), (8).

Groundless giving in charge in presidency-town, compensation for 552.

Grounds left unoccupied for sanitary and recreative purposes, included in *Public place* 133, exp., for proceeding to be stated in magistrate's order requiring appearance of parties to dispute concerning land, &c., 145, p. 1, insufficient, local investigation dispensed with when 157, p. 1, prov. (b), of objections to jurors, to be stated 277, p. 2, objections to jurors in high court without stating 277, prov., on which objections to jurors allowed 278, of decision by presidency magistrate, statement of, to be considered by high court revising proceedings 441, of proof that bond has been forfeited, to be recorded 514, p. 1, of application for transfer of case, copy of, to be given to public prosecutor 526, p. 5.

Guardian, cognizance of adultery may be taken on complaint of 199, copy of maintenance order to be given to person in whose favour it is made, or to his 490.

Guarding stolen property, forged documents, &c., until production of offender 98 (d).

Guidance of magistrate deputed to conduct local inquiry into dispute concerning land, &c., instructions for 148, p. 1.

Habeas corpus, directions of the nature of 491.

Habitual offender, issue of order to, to show cause against security for good behaviour 110, fact of person being an, how proved 117, p. 3, previously convicted of certain offences against coinage, stamp-law and property, trial of 348.

Habitual thieves, arrest of reputed 55 (c), issue of order to, to show cause against security for good behaviour 110.

Head of office, service of summons on government or railway servant through 72.

Heads of villages in Madras, code does not apply to, except as provided 1, p. 2, (c), bound to report certain matters 45, investigations into sudden or unnatural deaths in Madras and Bombay may be made by 174, p. 4.

Health of community, order for suppression of trade, &c., injurious to 183, p. 1, human, issue of order in nuisance cases to prevent danger to 144, p. 1, human, power of local government to prolong currency of order in cases of danger to 144, p. 5, whipping not to be inflicted if offender is not in fit state of 394.

Hearing of case, proof of service of summons when serving officer not present at 74, of parties to dispute concerning land, &c., 145, p. 2, of magistrate, fact of confession being taken in, to be certified 164, p. 3, of complainant and accused in summons cases, 244, p. 1, of complainant in warrant cases, 252, p. 1, of objections to list of jurors and assessors for court of session, issue of notice as to; procedure in reference to 323, 324, of judge or magistrate, evidence in mufassal to be taken down in presence and 356, p. 1, magistrate or judge to certify that accused's examination was taken in his presence and 364, p. 2, by new judge, in case submitted to high court for confirmation of sentence 378, of appeals to court of session 409, of appellant or his pleader, and public prosecutor, on appeal 423, by new judge, in appeals 429, of parties optional with court of revision: accused when to be heard 439, p. 2, 440, of application for transfer of case, time to elapse between notice and 526, p. 5.

Her majesty, right of, to grant pardons, &c., saved 401, p. 4, form of charge of waging war against sch. v, form xxviii.

High court definition of 4 (i), 266, sentences of death passed by certain judges subject to confirmation by 31, p. 2, signature of summons by officer appointed by 68, p. 1, procedure as to production of document in custody of postal department when required by 95, p. 1, procedure as to production of such document when required by certain officers, and pending orders of 95, p. 2, power of, to require security for keeping peace 106, procedure of, on apprehension of breach of peace 108, p. 1, proceedings on failure to comply with order for security when to be laid before 123, p. 2, procedure by, on such failure 123, p. 3, discretion of, as to imprisonment awardable on failure to give security for good behaviour 123, p. 5, release by, of person imprisoned for such failure 124, p. 2, to decide place of inquiry or trial in case of doubt; recorder or judicial commissioner in Burma to be 185, offence committed beyond jurisdiction, when to be reported for orders of 186, p. 2, cognizance of offences by 194, inquiry into cases triable by 206—220, magistrates who may commit to 206, p. 1, persons triable by court of session how to be committed to 206, p. 2, procedure in inquiries into cases triable by 207, order of commitment to, when to be made 213, person charged in mufassal jointly with European British subject, when to be committed to 214, only can quash commitment to itself or to court of session 215, bond for securing attendance of complainants and witnesses at 217, p. 1, detention and sending in custody of complainants and witnesses refusing to attend at 217, p. 2, charge, record of inquiry, and things to be produced in evidence, to be sent to officer of, on commitment 218, pp. 1. 2, translation of

High court—contd.

record inquiry to be forwarded on commitment to 218, p. 2, in confirmation or revision, procedure by, in respect of absence of, or error in, charge 232, and court of session, trials before 266—266, trials before, to be by jury 267, trials of cases transferred to, may, if it so direct, be by jury 267, entry by, on unsustainable charge 273, number of jury in trials before 274, p. 1, to direct manner of choosing jurors 276, 1, jurors for trials in presidency towns to be chosen from special jury list when so directed by judge of 276, prov. 3, objections to jurors in, without stating grounds 277, prov.; looking up jury in 296, verdict of jury in, when to prevail 305, p. 1, procedure by, when jury not unanimous, and when judge disagrees with majority 305, pp. 2, 3, 4, submission of case to, when sessions judge disagrees with verdict of jury: powers of, on such reference 307, list of, and summoning, jurors for 311—318, lists of jurors for, how prepared 313, pp. 1, 5, exemption of government officers from service as jurors in 313, p. 4, jurors for sessions of, outside presidency towns, how summoned 316, sessions, summoning military jurors for 317, special provisions regarding trials before 333—336, sittings, time of holding, 334, sittings time and place of holding 335, pp. 1, 2, may appoint place within its appellate jurisdiction for holding sitting 335, p. 2, sittings, notice of 335, p. 3, sanction of, to prosecution of person offered pardon 339, p. 3, orders on proceedings not understood by accused 341, orders by, postponing or adjourning proceedings, need not be signed by presiding judge 334, p. 2, procedure when magistrate finds case should be tried by 347, offenders against coinage, stamp-law and property, when to be committed to 348, may set aside conviction based on evidence recorded partly by one magistrate and partly by another 350, prov. (b), chartered, record of evidence in 365, not debarred from

High court—contd.

altering or reviewing judgment 369, sentences of death subject to confirmation by 374, may make further inquiry or take additional evidence, or direct it to be made or taken, and may direct attendance of convict: evidence not taken by itself to be certified to 375, powers of, in reference to sentence of death submitted for confirmation 376, appeal from sentences subject to confirmation by sessions court, to lie to 408, prov. (a), European British subject may appeal either to court of session or to, 408, prov. (b), appeal from sentence of sessions court, to lie to 410, appeal from sentence of presidency magistrate, to lie to, 411, appeal to, against acquittal by other court 417, rules as to judgments, to apply to judgments of appellate courts other than 424, to certify to lower court or district magistrate its judgment or order on appeal: orders thereupon to conform with decision of 425, may order suspension of sentence, pending appeal 426, p. 2, may issue warrant of arrest on appeal against acquittal 427, reference by presidency magistrate to: disposal of case according to decision of; may pass order as to payment of costs 432, 433, reference by judge of 434, powers of, to call for records of inferior courts 435, report to, by court of session or district magistrate on revision of proceedings 438, powers of, in revision 439, revising proceedings to consider statement of grounds submitted by presidency magistrate 441, order of, in revision to be certified to lower court 442, commitment of European British subject when to be made to 447, when may try European British subjects charged in mufassal with offences not punishable with death or with transportation for life 448, transfer of trial of European British subject from court of session to 449, p. 2, application of European subject for order to produce his person to: procedure thereon territories through-

High court—concl'd.

out which such orders may be issued by 456—458, procedure by, in case of accused being lunatic: trial of fact of unsoundness to be deemed part of trial before 465, accused sane at time of enquiry or trial by magistrate, but not when he committed offence charged, when to be sent for trial to 469, chartered, witness in, refusing to answer or to produce document, deemed guilty of contempt 485, appeal from conviction by presidency small cause court in contempt case, to lie to 486, p. 3, appeal from conviction by registrar or sub-registrar in contempt case, when to lie to 486, p. 4, in presidency-town may issue directions of the nature of *habeas corpus*, and may frame rules 491, pp. 1, 2, may direct admission to, or reduction of, bail 498, issue by, of commission for examination of witness 503, p. 1, saving of power of, to issue commissions under 39 & 40 Vic., chap. 46, section 3, 504, p. 2, may direct magistrate to recover penalty of bond to appear before it 516, when may direct committing magistrate to order disposal of property 517, p. 2, may order case to be tried by court not empowered under sections 177 to 184, or may transfer it, or may itself try it; grounds on which this power may be exercised; procedure of, when it tries case itself; may require bond from accused for payment of prosecutor's costs; saving of prosecutions of judges and public servants 526, pp. 1, 2, 4, 6, power to order transfer of case from one to another, 527, p. 1, power of, to make rules and frame forms 553, chartered, power to decide language of courts other than 556.

High courts, local limits of certain jurisdiction of, are presidency-towns 4 (h), persons conducting prosecutions in original criminal jurisdiction of, are public prosecutors 4 (m), one class of criminal courts 6, justices of peace appointed under commissions issued by,

High courts—*concl'd.*

to continue to hold office 24, judges of, are justices of the peace in virtue of their office 25, chartered, local government may not suspend or remove judges of 26, may try any offence under penal code 28, when may try offences under other laws 29, may pass any sentence authorized by law 31, p. 1.

House, included in Place 4 (w), breaking open door or window of, in order to arrest 48, breaking open door or window for purpose of liberation, after entry, to arrest 49, or homestead of person summoned, affixing duplicate of summons to 71, or homestead of absconder, affixing proclamation to 87 (b).

House-Breaker, reputed habitual arrest of 55 (e), reputed habitual, issue of order to, to show cause against security for good behaviour 110.

House-Breaking and adultery, joinder of, charges of 235, ill. (b).

House-trespass may be tried summarily 260 (h), compoundable 345, p. 1.

Hurt and assault, joinder of charges of, 235, ill. (i), and robbery, joinder of charges of, 235, ill. (m), under penal code, section 323, may be tried summarily 260 (c), under penal code, sections 323 and 334, compoundable 345 p. 1, under penal code, sections 324, 335, 337, and 338, when compoundable 345, p. 2.

Husband, complaint by, or on behalf of, necessary to prosecutions for adultery 199, may compound adultery or enticing, &c., 345, p. 1.

Identity, evidence as to, admissible in order to prove previous conviction 511.

Idiot, who may compound on behalf of 345, p. 4.

Illegitimate children, order for maintenance of 488, pp. 1, 2, 3, 489, 490.

Impartial, when inquiry or trial can not be, high court may transfer case 526 (a).

Implement of house-breaking, arrest of person possessed of 54, *secondly.*

Impounding document or other thing produced before court 104.

Imprisonment for more than six months, case relating to offence punishable with, is a warrant case 4 (s), up to seven years, offences punishable with, not triable by first class magistrate under law other than penal code 29, prov. (a), up to three years, offences punishable with, similarly not triable by second class magistrate 29, prov. (b), up to one year, offences punishable with, similarly not triable by third class magistrate 29, prov. (c), for more than seven years, assistant sessions judge may not pass sentences of 31, p. 3, for more than three years, confirmation of assistant sessions judges sentences of 31, p. 3, which may be passed by magistrates of various classes terms of 32 (a), (b), (c), which may be passed by magistrates in default of payment of fine 33, which may be passed by district magistrates specially empowered, terms of 34, p. 1, for more than three years passed by district magistrates specially empowered, confirmation of sentences of 34, p. 2 commencement of, when transportation also awarded on simultaneous conviction of several offences 35, p. 1. period for security to commence on expiration of sentence of 120, p. 1, commission, attempt or abetment of offence punishable with, constitutes breach of bond for good behaviour 121, in default of security 123, for failure to give security for keeping peace, to be simple 123, p. 4, for failure to give security for good behaviour, may be either rigorous or simple 123, p. 5, for failure to give security release of person suffering 124, p. 1, for failure to give security report to high court or court of session in view to release of person suffering 124, p. 2, in default of payment of compensation by complainant 250, p. 2. for term not exceeding six months, offences

Imprisonment—*contd.*

punishable with, may be tried summarily 260 (a), for terms exceeding three months, sentences of, not to be passed in summary trials 262, p. 2, in civil jail, jurors failing to pay fine liable to 318, in civil jail, jurors and assessors failing to pay fine liable to 332, p. 3, for seven years, criminal intimidation compoundable, except when punishable with 345, p. 1, for more than six months, record of evidence where presidency magistrates award 362, reasons for conviction to be stated in presidency magistrate's judgment awarding 370 (i), execution of sentence of 383, direction of warrant for execution of sentence of 384, suspension of execution of sentence of, when distress-warrant issued for recovery of fine 388, execution of sentence of whipping in addition to 391, for more than five years, persons sentenced to, not to be punished with whipping 393 (b), in lieu of whipping 395, sentence of, on escaped convict, when to take effect 396, sentence on offender already sentenced for other offence, when to commence 397, for more than six months appeal from presidency magistrate's sentence of 411, not exceeding one month, no appeal from orders of certain mufassal courts awarding, except when combined with other punishment 413, 415, not exceeding three months, no appeal from summary conviction with sentence of, except when combined with other punishment 414, 415, in default of fine, not a combined sentence 415, exp. computing term of, when convict has been released pending appeal 426, p. 3, which mufassal magistrate may pass on European British subject 446, which court of session may pass on European British subject 449, p. 1, in default of fine in contempt cases 480, on refusal to answer or to produce document 485, in default of payment of maintenance 488, p. 3, sentence of, on failing to pay penalty of

Imprisonment—*concl.*

bond 514, p. 4, power of local government to appoint place of 541, in default of payment of compensation to person groundlessly given in charge in presidency-town 552, form of warrant of commitment on sentence of, passed by magistrate sch. v, form xxix, form of warrant of, on failure to recover amends by distress sch. v, form xxx, form of warrant of, on failure to pay maintenance sch. v, form xl, form of warrant of, on forfeiture of bond for good behaviour sch. v, form liii.

Inadmissible evidence in jury trials, judge may prevent production of 298 (a).

Indian arms act, 1878, section 19, cases under, ballable sch. ii (last page).

Indian evidence act, sections 123 and 124, not affected by provision as to production of document or thing 94, p. 3, section 27, not affected by provision regarding statements to police 162, p. 2, section 24, no inducement, &c., such as mentioned in, to be offered during police investigation 163, p. 1, sections 145 and 161, when to apply in case of police diaries being used at inquiry or trial 172, p. 3, section 91, admission of statement not properly recorded, notwithstanding provisions of 533.

Indian penal code, words and expression defined in 4, p. 2, offences under, how to be inquired into and tried 5, courts which may try offences under 28, public to give information of offences under 44, section 188, liability of person not obeying order as to removal of nuisance to punishment prescribed by 136, section 188, intimation to such person of his liability to punishment prescribed by 140, p. 1, prohibition of repetition or continuance of public nuisance as defined in 143, offences under, which may be compounded 346,

Indian Penal code—*concl'd.*

pp. 1, 2, 3, section of, under which accused is convicted to be specified in judgment 367, p. 2, in conviction under, judgment when to be in alternative 367, p. 3, destruction of libellous and other matter on conviction under 521, tabular statement of offences under sch. II.

Individual, order in urgent case of nuisance may be directed to an, 144, p. 3.

Inducement to confess not to be offered during police investigation 163, p. 1, not to be offered to accused to make disclosure or withhold knowledge 343.

Inference to be drawn from accused giving false answers or refusing to answer 342, p. 2.

Influence not to be used to induce or withhold disclosure by accused 343.

Information and aid to magistrates, police and persons making arrests 42—45, of certain offences, public to give 44, respecting certain matters, persons bound to give 45, of cognizable offences, police may arrest on receiving 54. *firstly*, to magistrate search of place suspected to contain stolen property, forged documents, &c., upon 98. as to likelihood of breach of peace, order to show cause against security on receipt of 107, issue on receipt of, of order to vagrants, &c., to show cause against security for good behaviour 109, issue on receipt of, of order to habitual offenders to show cause against security for good behaviour 110, received, order for showing cause to set forth substance of 112, issue on receipt of, of warrant for arrest of party required to show cause; substance of, to be recorded 114 prov., regarding apprehended breach of peace or of good behaviour, inquiry as to truth of 117, in respect of likely breach of peace or of good behaviour, discharge of person implicated by, 119, power to call for further, in case of failure to comply with order for security 123, p. 3,

Information—*concl'd.*

passing order for removal of nuisance on receipt of 133, p. 1, as to order for removal of nuisance, affixing copy of proclamation so as to convey 134, p. 2, as to penalty, to be given to party disobeying order for removal of nuisance 140, p. 1, as to dispute concerning land, &c., likely to cause breach of peace, procedure on receipt of 145, as to dispute concerning easements, &c., procedure on receipt of 147, of design to commit cognizable offence 150, of police seizure of false weights and measures, to be given to magistrate 153, p. 2, to police and their power to investigate 154—176, concerning commission of cognizable offence how dealt with 154, concerning commission of non-cognizable offence how dealt with 155, p. 1, causing suspicion of cognizable offence, procedure by police-officer receiving 157, requiring attendance of witnesses at police investigation on receipt of 160, as to occurrence of sudden or unnatural death, procedure by police on receiving 174, p. 1, cognizance of offences upon 191, (c), p. 3 required by jury, to be asked of court by foreman 280, p. 2, from private person., proceedings void when magistrate not empowered takes cognizance on 530 (k).

Ingress into place to effect arrest not being obtainable, procedure in case of 47, 48, into closed place, to be allowed to holder of search-warrant 102, p. 1, into closed place, procedure by holder of search-warrant on refusal of 102, p. 2.

Inhabitants of neighbourhood, person executing search-warrant to invite attendance of, 103, p. 1, of neighbourhood, police investigation into sudden or unnatural death, to be made in presence of, to sign police-officer's report 174, pp. 1, 2, of neighbourhood, summoning of, to attend at police investigation into unnatural or sudden death 175, p. 1.

Initiation of proceedings, conditions requisite for, 191—199.

Injunction in nuisance cases, issue of, pending inquiry 142, p. 1, in nuisance cases, procedure on failure of obedience to 142, p. 2, in nuisance cases, pending inquiry by jury, form of, sch. v, form xix.

Injury to railway, canal, telegraph or public property, public to assist in preventing. 42 (b), to person or property, security for keeping peace on conviction of threatening 106, p. 1, to person or property, in dispersing assembly by military force 130, p. 2, to health or comfort of community, order for suppression of trade, &c., causing 133, p. 1, to passers by, order for removal &c., of building likely to cause 133, p. 1, power to issue injunction for prevention of pending inquiry, in nuisance cases 142, p. 1, power to take steps for prevention of pending inquiry in nuisance-cases 142, p. 2, to persons lawfully employed, issue of order in urgent cases of nuisance, for prevention of 144, p. 1, to public property, prevention of, 152 marks of, to be described in police report on sudden or unnatural death 174, p. 1.

Innocent purchaser, payment to, of money found on prisoner 519.

Inquests, intimation of sudden or unnatural death to nearest magistrate empowered to hold 174, p. 1, reports of investigations into sudden or unnatural deaths in Madras and Bombay, when to be sent to nearest magistrate empowered to hold 174, p. 4, magistrates who are empowered to hold 174, p. 5, magisterial, proceedings in, may not be called for by superior courts 435, p. 3, held by magistrates not empowered, proceedings at, not vitiated 529 (c).

Inquiries and trials, jurisdiction of criminal courts in 177—199, and trials general provisions as to 337—352, mode of taking and recording evidence in 353—365.

Inquiry, definition of 4 (c), regulation of place and mode of 5, summons to produce document or other thing required for purposes of 94, proce-

Inquiry—*contd.*

cedure as to production of document in custody of postal or telegraph department required for purposes of 95, issue of search-warrant required for purposes of, 96, by magistrate, search of place suspected to contain stolen property, forged documents, &c., after 98, prescribed, detention of person arrested in view to prevention of breach of peace, pending completion of 103, p. 2, as to truth of information regarding apprehended breach of peace or of good behaviour, form of 117, pp. 1, 2, order for security for keeping peace or for good behaviour, upon completion of 118, discharge after 119, issue of injunction in nuisance cases, pending 142, p. 1, as to possession of land, &c., occasioning dispute 145, p. 2, into disputes concerning easements, &c., 147, order permitting disputed thing to be done on land, &c., not to be passed unless thing was done within three months before institution of 147, prov., local, into disputes concerning land, &c., 148, under chapter XV, police investigation into cognizable cases limited to cases in which court has power of 156, p. 1, preliminary, into suspected cognizable offence 159, power to record statements and confessions made before commencement of 164, p. 1, record of confessions to be sent to magistrate who is to hold 164, p. 2, court may use police diaries at 172, p. 2, by magistrate into cause of sudden or unnatural death 176, p. 1, or trial, place of 177—190, or trial, ordinary, place of 177, in place where act is done or where consequence ensues 179, place of, where act is an offence by reason of relation to other offence 180, into offence of being a thug, belonging to gang of dacoits, escape from custody, &c., place of, 181, p. 1, into criminal misappropriation and breach of trust, place of, 181, p. 2, into offence of stealing, place of 181, p. 3, place of, when scene of offence uncertain, when offence committed partly in one local area and partly in another, when offence

Inquiry—contd.

continuing, and when offence consists of several acts done in different local areas 182, into offence committed on journey, place of 183, into offence committed against railway, telegraph, post office and arms laws, may be held in presidency-towns 184, place of, to be decided by high court, in case of doubt 185, into offence committed beyond local jurisdiction 186, p. 1, into offence committed beyond British India, power to direct copies of depositions and exhibits to be received in evidence at 189, into cases triable by court of session or high court 206—220, into case triable by court of session or high court, procedure in 207, not to be stayed because accused does not understand proceedings 341, power to postpone or adjourn 344, p. 1, new, by succeeding magistrate 350, p. 1, prov. (b), into case triable by court of session or high court, procedure on detention of offender attending court during, 351, p. 2, in mufassal, under chapters XII and XVIII, record of evidence in 356, high court may make further, or direct it to be made, in reference to sentence submitted for confirmation; ordinarily not to be in presence of jurors or assessors or convict; result of, to be certified to high court 375, further, may be made or directed to be made by sessions judge in reference to sentence submitted for confirmation 380, (d), further, court hearing appeal against acquittal may direct 423 (a), taking of additional evidence for appellate court to be deemed an 428, p. 4, by lower court, power of court revising proceedings to direct 436, by district or subordinate magistrate, power of court revising proceedings to direct 437, into truth of statement of person claiming to be dealt with as European British subject 453, pp. 1, 2 validity of, when person not an European British subject is dealt with as such 455, by high court in reference to application from European British subject for

Inquiry—concl'd.

order to produce his person by magistrate when accused appears insane 464, postponed on account of accused's unsoundness of mind, resumption of 467, p. 1, to proceed when accused who has been insane is capable of defence 468, p. 1, procedure when accused is sane at time of, but was not so when he committed offence 469, commission of, in cases of lunacy 474, into guilt of person accused of non-bailable offence, taking bail or bond pending 497, p. 2, adjournment of, pending return of commission 508, in wrong place, effect of holding 531, finding, sentence or order when reversible by reason of error, omission or irregularity in 537.

Inspecting officer, lunatic delivered to care of relative to be open to inspection by : certificate of, receivable as evidence 475, pp. 2, 3.

Inspection of place to find document or other thing, issue of search-warrant for : restriction of warrant 96, 97, closed place liable to ; persons in charge to allow search 102, p. 1, of weights and measures by police 153, p. 1, commission, return thereto and depositions of witnesses to be open to 507, of records of subordinate courts, power of certain high courts to make rules for 553, p. 1.

Inspector-general of prisons to visit lunatic prisoners confined in jail, and to report 472, certificate by, that lunatic prisoner is capable of defence : procedure thereon : such certificate receivable as evidence 478, certificate by, that lunatic prisoner might be discharged 474, p. 1.

Instalments, sentences of whipping not to be executed by, 393.

Instructions of magistrate, military officer proceeding against unlawful assembly, to seek and obey, 131, to magistrate deputed to conduct local inquiry into dispute concerning land, &c. 148, p. 1, by superior officer of police on report of suspected cognizable offence 158, p. 2.

Instrument by which injury was inflicted, to be mentioned in report on sudden or unnatural death 174, p. 1.

Instruments for counterfeiting coin or stamps, or for forging, search of place suspected to contain 98, for weighing, inspection by police of, 153, p. 1. for weighing seizure by police of false, 153, p. 2.

Insufficient sureties accepted through fraud, &c., procedure in case of 501.

Insult with intent to provoke breach of peace, may be tried summarily 260, (i), with intent to provoke breach of peace, compoundable 345, p. 1, nature of, to be recorded, in contempt cases 481, p. 2.

Intention to commit offences, public to give information of, 44, to commit non-bailable offences, certain persons bound to give information regarding, 45 (c), arrest of persons privy to deposit of materials intended to be used for counterfeiting coin or for forging 98, to commit breach of peace, security on conviction of person taking unlawful measures with 106, p. 1.

Interpretation of words and expressions 4, of evidence to witness 360, p. 3, of evidence to accused or his pleader 361, pp. 1, 2, of documents 361, p. 3, of accused's examination 364, p. 1, interpreter bound to state true, 543.

Interpreter bound to interpret truthfully 543.

Interred body, power to order examination of, 176, p. 2.

Interrogatories, parties may forward when witness to be examined on commission 505

Interruption, nature of, to be recorded in contempt cases 481, p. 2.

Intimation of sudden or unnatural death to be conveyed to magistrate, by police 174, p. 1.

Investigation. definition of, 4 (b), summons to produce document or other thing required for purposes

Investigation—*contd.*

of, 94, procedure as to production of document in custody of postal or telegraph department required for purposes of, 95, power of police to hold, 154—176. of non-cognizable cases by police 156, pp. 2, 3, of cognizable cases by police 156, p. 1, of cognizable case, proceedings of police in, not to called in question 156, p. 2. procedure by police on suspicion of cognizable offence into which they may hold, 157, of suspected cognizable offence by police 157, p. 1, local, of suspected cognizable offence when dispensed with 157, p. 1, provs. (a), (b), magisterial, into suspected cognizable offence 159, under chapter XIV power of police-officer making an, to require attendance of witnesses 160, under chapter XIV, examination of witnesses by police-officer making an, 161, under chapter XIV, statements of witnesses at, not to be signed or admitted in evidence 162, under chapter XIV, voluntary confessions during, not to be prevented 163, p. 2, under chapter XIV, record of statements and confessions made during, 164, by police, search in connection with, by or under orders of police-officer 165, pp. 1, 2, 3, procedure when it cannot be completed in twenty-four hours 167, subordinate police-officer holding, to submit report 168, by police, release of accused on completion of, 169, case when to be sent to magistrate on completion of, 170, p. 1, police-officer holding an, to keep diary of proceedings 172, p. 1, by police, to be completed without unnecessary delay 173, p. 1, further, superior officer of police may direct, 173, p. 2, by police, into sudden or unnatural death 174, p. 1, into sudden or unnatural deaths in Madras and Bombay may be made by heads of villages 174, p. 4, into sudden or unnatural death, police may summon person to attend at, 175, p. 1, power to direct local, before proceeding upon complaint 202, p. 1, prior to proceedings upon complaint, powers of person, no

Investigation—concl'd.

being magistrate or police-officer, holding, 202, p. 2.

Irregular proceedings 529—538.

Irregularities which do not vitiate proceedings, 529, which render proceedings void 530.

Irregularity in holding inquiry, trial or other proceeding in wrong place, effect of, 531, in commitment when validated 532, as to record of confessions and other statements 533, in omission to ask whether person is an European British subject 534, in omission to frame charge 535, in trying by jury offences triable with assessors 536, p. 1, in trying with assessors' offences triable by jury 536, p. 2, finding, sentence or order when reversible by reason of error, omission, or charge in proceedings, &c. 537, in proceedings, distress not illegal nor distrainer a trespasser because of, 538.

Issue of summonses and warrants, provisions applicable to, 93.

Jail, warrant to be sent with accused to, 383, presenting appeal when appellant is in, 420, presidency magistrate may commit accused to, pending decision of reference to high court 432, judge of high court may remand accused to, pending decision of reference to other judges 434, p. 2, local government may order accused acquitted on ground of lunacy to be confined in, 471, p. 2, order of release on execution of bond for appearance when accused is in, 500, accused may be committed to, on failure to find sufficient sureties when those accepted have proved insufficient 501, power to order prisoner in, to be brought up for examination: duty of officer in charge of, 542.

Jailor, warrant to be lodged with, 385.

Joinder of charges 233—240.

Jointly, what persons may be charged, 239, trial of European British

Jointly—concl'd.

subject and person of other race jointly accused 459, trial of European not British subject, or American charged jointly with person of other race 461.

Joint session judges, appointment of, 9, p. 2, may pass any sentence authorized by law 31, p. confirmation required to sentences of death passed by, 31, p. 2, cases to be tried by, 193, p. 2, may hear appeals to courts of session 409, appeal from sentences of, 410.

Journey from place of arrest to court, detention of arrested persons, exclusive of time of, 61, place of trial of offence committed on, 188.

Judge senior, of chief court, a chief justice 4, (j) of high court, entry by, on unsustainable charge 273, p. 1, duty of, in jury trials 298, when to decide applicability of general indefinite expressions to particular cases 299, (d) may require jury to retire for further consideration of verdict when not unanimous 302, may question jury in order to ascertain their verdict 303 p. 1, not bound to conform to opinions of assessors 309, p. 2, of high court, reference by, 484.

Judges, of high courts, justices of peace in virtue of office 25, suspension and removal of, 26, cognizance of offences against, not to be taken without sanction 197, p. 1, government may determine manner, &c., of prosecuting, 197, p. 2, exempted from serving as jurors or assessors 320, (b), new sentence or order in place of one submitted for confirmation, to be signed by two, 377, disagreeing in case submitted for confirmation of sentence; procedure 378, of appellate court, equally divided in opinion; procedure 429 of high court in revision equally divided in opinion; procedure 439, of court of session not to have jurisdiction over European British subject unless they are such themselves 444 when to try contempts, &c., committed before themselves 487, p. 1.

Judges—conclid.

of high court may try contempts, &c., committed before themselves 487, p. 1. personally interested, trial of case or hearing of appeal in which, 555,

Judgment charge not to be altered after pronouncing, 227, p. 1, power to stop without pronouncing, proceedings in summons-cases instituted without complaint 249. in summary trials, where there is appeal, what to contain 264, p. 1, to be sole record in summary trials where there is appeal 264, p. 2, in summary trials language in of 265, p. 1, held by benches, to be signed by each member when prepared by clerk 265, p. 2, in high court, when to follow verdict of jury 305, p. 1, in court of session when to follow verdict of jury 306, p. 1, in jury trials before court of session 306, p. 2, not to be passed by sessions judge when he submits jury's verdict to high court 307, p. 2, in cases tried with assessors not necessarily to conform with assessor's opinions 309, p. 2, provisions relating to, 366—373, time of pronouncing; to be in presence of accused or his pleader 366, language of; what to contain; to be dated and signed 367, p. 1, to specify offence and section, punishment awarded 367, p. 2, in the alternative 367, p. 3, of acquittal 367, p. 4, to state reason why sentence of death; when awardable, is not passed 367, p. 5 need not be written in trials by jury 367, prov. court, other than high court, not to alter its, 369, particulars to be recorded by presidency magistrate instead of, 370, to be explained and copy of translation given to accused 371, p. 1, to be filed with record when not in language of court; translation to be added 372, in case of difference of opinion when sentence submitted for confirmation 373, copy of, when to accompany appeal 419, rules as to, applied to appellate courts 424, when judges of appellate court are equally

Judgment—conclid.

divided 429, finality of, on appeal 430, may be given by presidency magistrate subject to reference to high court 432, presidency magistrate may take bail for appearance of accused before high court for, 432, may be passed by high court judges reviewing case submitted by other judge 434, p. 2, by court of session or high court when accused is lunatic 465, p. 1, of acquittal on ground of lunacy 470. 471, sentence or order when reversible by reason of error, omission or irregularity in, 537.

Judicial Commissioner in British Burma to decide place of trial of other than European British subjects in cases of doubt 185, p. 2.

Judicial officer, commission of inquiry in cases of lunacy to consist of two medical officers and one 474, p. 1.

"Judicial proceeding" defined 4 (d) **Juries**, common and special, for high court sessions, number of persons to be summoned for 315.

Jurisdiction special, conferred by other laws 1, p. 2, barred by former acts, not restored 2, p. 1, original criminal, of high courts; persons conducting prosecutions in, are *Public prosecutors* 4 (m), of subordinate mufassal magistrates, when not specially defined 12, p. 2, of presidency magistrates, definition of local limits of 19, held by Bombay court of petty sessions to be exercised by Bombay presidency magistrates 20, combined sentences by certain magistrates not to exceed twice their ordinary 35, p. 2, prov. 2, pursuit of offender into other 58, persons arrested to be taken before magistrate having 60, service of summons outside local limits of 73, proof of service of summons outside local limits of 74, persons arrested by landholders, &c., under warrant, when to be taken before magistrate having 78, p. 3, warrant of arrest forwarded to magistrate for execution outside local limits of 83, warrant or

Jurisdiction—concl'd.

arrest directed to police officer for execution outside local limits of 84, procedure on execution of warrant of arrest in other 85, endorsement of order for attachment of absconder's property outside 85, p. 2, restoration of attached property on appearance of absconder before magistrate having 89, disposal of things found in execution of search-warrant at place beyond 99, power of certain magistrates to issue order to show cause against security to persons likely to commit breach of peace beyond their, 107, attachment and sale of moveable property either within or without, for recovery of costs of removing nuisance 140, p. 2, information of seizure of false weights and measures to be conveyed to magistrate having 153, p. 2, within station, police may investigate cognizable case which may be inquired into or tried by court having 156, p. 1, of criminal courts, in inquiries and trials 177—199, power to issue process for offence committed beyond 186, p. 1, offence committed beyond, when to be reported for orders of high court 186, p. 2, warrant for levy of fine may be executed either within or without 387, application to European British subjects of enactments conferring, on magistrates or the court of session 459.

Jurors, warrant not to be issued in lieu of summons for appearance of, 90, majority of, finding order for removal of nuisance to be reasonable; procedure 139, p. 1, or assessors, when to be chosen by high courts and courts of session 272, how to be chosen by such courts 276, names of, to be called 277, p. 1, accused to be asked if he objects to 277, p. 1, objection to, may be taken accused or by prosecutor 277, p. 2, objections to, on what grounds allowable 278, decision of objections to 279, p. 1, against whom objections allowed, supplying place of 279, p. 2, to replace others, choosing 279, p. 2, to replace others, to be subject to objections 279, p. 2,

Jurors—concl'd.

to appoint foreman 280, p. 1, foreman to ask court for information required by 280, p. 2, swearing of 281, ceasing to attend, &c., procedure 282 when may be examined 294, for high court, list and summoning of 311—318, in high courts, exemption of government officers from service as 313, n. 4, for high court sessions, summoning of 315, for high court ordinarily not to be summoned more than once in six months 315, p. 2, for high court sessions outside presidency-towns, summoning of 316, failing to attend at high court, punishment of 318, and assessors for court of session, list and summoning of 319—332 persons liable to serve as 319, exemptions from service as 320, special liability of persons in the army to serve as 320 (g), and assessors for court of session, preparing list of; particulars to be given 321, pp. 1, 2, and assessors for court of session, revising list of 324, for sessions court, summoning 326, for sessions court, ordinarily not to be summoned more than once in six months 326, p. 2, for sessions court, how chosen 326, p. 2, for sessions court, supplementary summons for 327, form of summons to, 328, when government or railway servants may be excused attendance as 329, court of session may excuse attendance of, 330, failing to attend at court of session, punishment of 332, further inquiry or additional reference to sentence submitted for confirmation to high court or sessions court not to be made or taken in presence of 375, p. 2, 380, p. 2, additional evidence for appellate court not to be taken in presence of 428, p. 3, for trial of Europeans not British subjects, and Americans, summoning and empannelling 462, form of precept to magistrate to summon sch. v, form xxxii, form of summons to, sch. v, form xxxiii.

Juror's book in high courts to be taken as containing correct list of jurors 311, p. 1, special jurors en-

Juror's book—concl'd.

tered in, to hold privilege for the year only 311, p. 2.

Jury to enquire into order for removal of nuisance, application for 135 (b), to enquire into order for removal of nuisance procedure, failing a application for 136, to enquire into order for removal of nuisance procedure, on application for 138, finding order for removal of nuisance to be reasonable, procedure on 139, p. 1, for inquiry in to propriety of order for removal of nuisance, procedure on failure to appoint 141, for inquiry into propriety of order for removal of nuisance not returning verdict, procedure on, 141, issue of injunction for immediate prevention of danger in nuisance cases, whether tried or not by, 142, p. 1, charge may be altered at any time before verdict is given by 227, p. 1, trials before high court to be by 267, trial of cases transferred to a high court may, if court so direct, be by, 267, trials before sessions court to be by, or with assessors 268, local government may order trials before court of session to be by 269, p. 1, accused charge with several offences before court of session when to be tried by, for each offence 269, p. 2, trial by same, of several offenders in succession 272, prov. for trials before high courts and courts of session, choosing of 274—283, number of, in trials before high court of, 274, p. 1, number of, in trials before courts of session 274, p. 2, constitution of, for trial, before court of session, of persons who are not Europeans or Americans 275, foreman to preside at debates of, to deliver verdict, and to ask court for information required by foreman 280, p. 2, to be appointed by court failing appointment by 280, p. 3, may be discharged, and new one chosen, on juror absenting himself 282, p. 1, discharge of, in case of sickness of prisoner 283, when to be directed to return verdict of guilty 289, pp. 2, 3, view by 293, p. 1, no person to hold communication with 293, p. 2, 300, p. 2,

Jury—concl'd.

to be conducted back to court after view 293, p. 2, to attend at adjourned sitting 295, for high court, looking up 296, conclusion of trial in cases tried by 297—307, judge to decide whether question is for himself or for the, 298, p. 1. (d), judge may express to, his opinion upon question of fact or of mixed law and fact 298, p. 2, duty of, 299, retirement of, to consider verdict 300, p. 1, delivery of verdict of 301, procedure where verdict of, not unanimous 302, to return verdict on each charge 303, p. 1, may be questioned by judge to ascertain verdict 303, p. 1, may amend wrong verdict 304, verdict of, in high court, when to prevail 305, p. 1, in high court, when not unanimous, but six are of one opinion, foreman to inform judge 305, p. 2, in high court, discharge of, when not unanimous 305, pp. 3, 4, verdict of, in court of session, when to prevail 306, p. 1, procedure when judge disagrees with verdict of, in trials before court of session 307, re-trial after discharge of, 308, procedure in case of previous conviction in trial by 310, to draw inferences from accused's giving false, or refusing, answer 342, p. 2, no judgment need be written in trials by 367, prov., appeal in case of trial by, to be on matter of law only 418, verdict of, may be altered or reversed on appeal, only on ground of misdirection or misunderstanding 423 (d), mixed, for trial of European British subject 451, for trial of Europeans not British subjects and Americans 460, to try fact of unsoundness of mind when accused appears insane 465, trial by, of offence triable with assessors 536, p. 1, trial with assessors of offence triable by 536, p. 2, in nuisance case, form of magistrate's order constituting sch v, form xvii, in nuisance case, form of his notice and peremptory order after finding by sch v, form xviii, in nuisance case, form of injunction to provide against imminent danger pending inquiry by sch v, form xix.

Justice, proceedings in case of offences affecting administration of 476—487, promotion of ends of, ground for exercise of power of transfer 527, p. 1.

Justice of the peace, provisions relating to 22—25, for mufassal, appointment of 22, for presidency-towns, appointment of 23, in mufassal, continued 24, p. 1, in presidency-towns, continued 24, p. 2, in virtue of office 25, suspension and removal of 27, only to inquire into and try charges against European British subjects 443.

Keeping forged documents, &c., search of place suspected to be used for 98, of noxious goods or merchandise, order prohibiting 133, p. 1, weights and measures, search by police of place used for 153, book for entry of information concerning commission of cognizable and non-cognizable offences 154, 155, p. 1, books, entries and accounts, power of certain high courts to make rules for subordinate courts in reference to 553 (a).

Knowledge, cognizance of offences upon magistrate's own, 191, pp. 1, (c), 3, proceedings void when magistrate not empowered takes cognizance upon his own 530 (k).

Land owners and occupiers of, and their agents, bound to report certain matters 45, certain collectors of revenue or rent of, bound to report certain matters 45, village includes village-lands 45. exp., direction of warrants of arrest to managers, &c., of 78, paying revenue to government, mode of attaching absconder's 88, p. 4.

Landholders, direction of warrants of arrest to 78.

Land-mark, public, preventing removal of, or injury to 152.

Language of charges 221, p. 6, of records and judgments in summary-trials 265, p. 1, in which evidence is given or interpreted, objection to juror on ground of inability to understand 278 (g),

Language—*conclid.*

of record of evidence in mufassal 356, pp. 1, 2, of record of evidence in mufassal, power to appoint 357, of record of evidence in mufassal, witness to have interpretation of 360, p. 3, not understood, evidence taken in, to be interpreted to accused or his pleader 361, pp. 1, 2, of record of accused's examination 364, pp. 1, of magistrate's or judge's memorandum of accused's examination 364, p. 3, of judgment 367, p. 1, of translation of judgment for accused 371, p. 1, of court, translation of judgment into, when filed with record 372, of court, power of local government to decide, 556.

"Law" for regulation of ports and port-dues, to determine certain local limits of presidency magistrate's jurisdiction 19, regulating municipality at Bombay, chief magistrate to hear appeals under 20, prov. conferring powers on senior or chief magistrate, exercise in presidency-towns of powers under 21, special or local, prohibition of repetition or continuance of public nuisance as defined in 143, commitments to court of session quashed only on point of 215, and section offended against, to be stated in charge 221, p. 4, on which defence intends to rely, to be stated 290, by which jury are to be guided, to be laid down in judge's charge 297, judge to decide questions of, in jury trials 298, p. 1 (a), and fact, mixed, judge may express to jury his opinion on question of 298, p. 2, jury not to determine meaning of terms of 299 (b), judge to decide meaning of general indefinite expressions whose meaning is ascertained by 299 (d), and section, under which accused is convicted to be specified in judgment 367, p. 2, appeal to lie on matter of, both in jury and other trials 418.

Laws, special or local, not affected, except as provided 1, p. 2, repealed, notifications, &c., under, saved 2, p. 2, references in former, to

Laws—concl'd.

code 3, p. 1, expressions in former 3, p. 2 in force, everything made punishable by, called offence 4 (p), offences made bailable by, 4 (r), other than penal code, offences under, when to be inquired into and tried according to code 5, courts constituted under other, criminal courts under code 6, other than penal code, courts which may try offences under 29.

Legality or extent of sentence, appeal from conviction on accused's own plea limited to 412.

Legal procedure, in jury trials judge to decide meaning of general indefinite expressions referring to 299 (d).

Legitimate child, or grand-child, any, of certain persons, an *European British subject* 4 (u), and illegitimate children, order for maintenance of 488, pp. 1, 2, 3, 489, 490.

Letter, request to district magistrate to summon jurors or assessors, to be made by; to specify names of persons to be summoned 326, in post office, proceedings void when magistrate not empowered issues search-warrant for 530 (b).

Levy of fine, issue of warrant for, 386, effect of warrant for, 387, who may issue warrant for, 389.

Liabilities of receivers appointed for attachment of property of absconders 88, p. 5.

Libellous and other matter, destruction of, 521, p. 1.

Limits of sessions divisions and of districts, power to alter, 7, p. 2 of sub-divisions, alteration of 8, p. 1.

List to be made of things found during search beyond jurisdiction 99, to be made of things seized during search; copy to occupant 103, pp. 2, 3, of witnesses, accused to be required to give in 211, p. 1, additional, of defence-witnesses 211, p. 2, magistrate may examine witnesses named in, 212, of special

List—concl'd.

jury, jurors for trials in presidency towns when to be chosen from, 276, prov. 3, of, and summoning jurors for high court 311—318, of special jury maximum number of names to be entered in, 312, p. 1, of jurors and assessors for court of session, preparation of, 321, p. 1, of jurors and assessors for court of session, publication of, 322, of jurors and assessors for court of session, notices as to, hearing objections to, 323, of jurors and assessors for court of session, revising, 324 of jurors and assessors for court of session, to be revised annually 325, of jurors and assessors, attending sessions 331, of jurors and assessors finding or sentence not reversible by reason of omission to revise, 537.

Lists of common and special jurors for high courts preparation of, 313, pp. 1, 5, of special jurors, regard to be had to character, &c., in preparing, 313, p. 2, of special jurors, persons entered in, not thereby entitled to continuance of the privilege 313, p. 3, preliminary and revised, of common and special jurors for high courts, publication of, 314, pp. 1, 2.

Local Government, territories administered by each, called *Province* 4 (g), officer appointed by, in that behalf, to be considered an *Advocate general* 4 (k), may declare any police-officers present at a station to be an *Officer in charge of a police-station* 4, (o) may alter constitution of sessions divisions and districts 7, p. 2, may constitute and alter mufassal sub-divisions 8, p. 1, establishment of courts of session and appointment of sessions judges by 9, p. 1, appointment of district magistrates by 10, duties of officer succeeding to chief executive criminal administration of district, pending orders of 11, appointment of subordinate mufassal magistrates by, and definition of their territorial jurisdiction by, or under control of, 12, p. 1,

Local Government—contd.

power of, to place magistrate in charge of sub-division : delegation of power 13, pp. 1, 3, appointment of special magistrates by, or under authority of, 14 pp. 1, 3, appointment of benches of magistrates by 15, p. 1, provision in absence of orders by, as to powers of such benches 15, p. 2, may frame rules for guidance of such benches ; framing subject to control of, 16, appointment of presidency magistrates by 18, p. 1, rules for guidance of presidency magistrates to have sanction of 21, appointment of justices of peace for mufassal by 22, appointment of such justices for presidency-towns by 23, present justices for such towns deemed to have been appointed by 24, p. 2, suspension and removal of judges and magistrates by 26, suspension and removal of justices by 27, investiture of district magistrates with special powers by 30, second class magistrates sentencing to whipping to be specially empowered by 32, p. 3, investiture of magistrates with additional powers by, or under control of 37, 38, mode of conferring powers by 39, power of, as to exercise of powers on transfer 40, may withdraw powers conferred 41, power to arrest offenders proclaimed by order of 54, *thirdly*, services of summons by officer of issuing court, subject to rules prescribed by 68, p. 2, may empower issue of orders to habitual offenders to show cause against security for good behaviour 110, making orders for removal of nuisances under authorization by 133, p. 1, to regulate publication of proclamation as to removal of nuisance 134, p. 2, magistrate empowered by, may prohibit repetition or continuance of nuisance 143, may issue order in urgent cases of nuisance 144, power of, to prolong currency of such orders 144, p. 5, power of, to prescribe form of book for entry of information concerning commission of offences

Local Government—contd.

154, 155, p. 1, power of, to direct submission of reports of suspected cognizable offences through superior officer of police 158, p. 1, to prescribe form of report on completion of investigation 173, p. 1, police to enquire into sudden or unnatural deaths, unless otherwise directed by rule prescribed by 174, p. 1, may frame rules as to forwarding corpses to medical officer 174, p. 3, may appoint medical officer to receive corpses for examination 174, p. 3, may empower, or authorize district magistrate to empower, any magistrate to take cognizance of offences upon complaint or police report 191, p. 2, may empower any first or second class magistrate to take cognizance of offences upon information received or upon his own knowledge or suspicion 191, p. 3, may empower, presidency magistrate to direct local investigation before proceeding upon complaint 202, p. 1, magistrates and benches specially empowered by, may try offences summarily 260, may invest certain benches with power to try other offences summarily 261, may authorize bench to employ clerk to prepare records or judgments 265, p. 2, may order trials before court of session to be by jury 269, p. 1, to fix number of jury for trials before courts of session 274 p. 2, may exempt from service as jurors or assessors 320 (k), officer appointed by, to make out list of jurors and assessors 321, p. 1, high court to hold sittings in place appointed by 335, p. 1, high courts may, with consent of, hold sittings at other places within jurisdiction appointed by them 335, p. 2, may appoint manner of taking evidence in mufassal and language of record 357, to appoint manner of inflicting punishment of whipping 392, p. 1, power of to suspend or remit sentences, and to cancel such suspensions or remissions 401, pp. 1, 2, 3, power of, to commute sentences 402, may direct appeal

Local Government—*concl'd.*

against acquittal 417, may empower sub-divisional magistrate to call for records of inferior courts 435, p. 1, assistant sessions judges exercising jurisdiction over European British subjects, to be specially empowered by 444, may appoint medical officer to examine accused appearing to be of unsound mind 464, p. 1, may order confinement of accused when of unsound mind 466, p. 2, report to, on acquittal on ground of lunacy; may pass orders as to confinement of accused 471, special report as to mental condition of lunatic prisoners, to be made to 472, powers of, when lunatic prisoner declared fit to be discharged 474, may order lunatic to be delivered to care of relative or friend, and may appoint inspecting officer 475, pp. 1, 2, registrar or sub-registrar deemed a civil court when directed by 483, power of, to appoint public prosecutors 492, p. 1, officer so empowered by, may conduct prosecution without permission from court 495, p. 1, may empower magistrate of first class to sell property seized by police 524, p. 1, may authorize district magistrate to withdraw classes of cases 528, p. 2 may appoint place confinement 541, rules by, as to payment of expenses of complainant and witnesses 544, previous sanction of, to rules and forms prescribed by high courts 553, pp. 1, 2, power of, to decide language of courts 556, powers of, exercisable from time to time 557, additional powers with which mufassal magistrates may be invested by sch. iv.

Local inquiry into disputes concerning land, &c., 148, p. 1.

Local limits, definitions of, in former acts, saved 2, p. 2, conferment of powers on benches of magistrates for certain 15, p. 1.

Lunatic who may compound on behalf of 345, p. 4, procedure in case of accused being 464, 465, release of, pending investigation or trial 466, p. 1, custody of, pending in-

Lunatic—*concl'd.*

vestigation or trial 466, p. 2, resumption of inquiry or trial postponed on account of accused being 467, being brought before court after postponement, procedure on 468, committing offence but sane at time of inquiry or trial 469, acquittal on ground of being 470, found to have committed act, but acquitted on ground of lunacy, to be kept in safe custody 471, procedure on inspector-general or visitors certifying capability of, to making defence 473, delivery of, to care of relative or friend 475.

Lunatic Asylum, power to order accused to be confined in 466, p. 2, power to order accused acquitted on ground of lunacy to be confined in 471, p. 2, visitors of, to visit lunatic prisoners and to report to local government 472, certificate by visitors of, that prisoner is capable of making defence 473, certificate by visitors of, that prisoner might be discharged 474, p. 1, public, transfer of lunatic prisoner to; appointment and duties of commission 474, pp. 1, 2.

Lunatic Prisoner declared fit to be discharged; order for discharge; continued detention or transfer to asylum; appointing commission 474.

Lunatic Prisoners to be visited, and report made as to their mental condition 472.

Lunatics, provisions relating to 464—475.

Machinery, police to inquire into and report on deaths caused by 174.

Madras high court, local limits of certain jurisdiction of, a Presidency-town 4 (h), a High Court as regards proceedings against European British subjects 4 (i), may issue directions of nature of *habeas corpus*, and frame rules 491, pp. 1, 2.

Madras town, provisions not to affect police in 1, p. 2 (c), appointment of justices for 23.

Magistrate of division of district .. } corresponding expression of the district .. } in code 3, of police .. } p. 2.
 allegation made to, with a view to proceedings, a complaint 4 (a), may authorize, but not hold, investigation 4 (b), inquiry by, under code 4 (c), existing subdivisions usually under charge of, maintained 8, p. 2, sitting in bench, of what class deemed to be 15, p. 2, investiture of district magistrate with power to try as a, all offences not punishable with death 30, imprisonment in default of payment of fine awardable by 33, p. 2, prov. 1, 2, not acting under section 34, maximum punishment awardable on simultaneous conviction of several offences before 35, p. 2, prov. (b), public to give information of offences to nearest 44, persons bound to report certain matters to nearest 45, arrest by police without warrant or without order by 54, committer of non-cognizable offence refusing to give name and residence, to be sent, if arrested, to nearest 57, having jurisdiction, persons arrested without warrant to be taken before 60, detention in custody, of persons arrested without warrant, in absence of special order of 61, detention in custody, of persons arrested without warrant, exclusive of time of journey to court of 61, discharge of persons arrested without warrant, under special order of 63, arrest for offence in presence of 64, arrest by, or in presence of 65, in other jurisdiction, summons when to be sent for service to 73, solemn declaration before, as to service of summons 74, p. 1, persons arrested by landholders, &c., when to be taken before 78, p. 3, warrant for execution outside jurisdiction forwarded to 83, endorsement by, of warrant for execution outside jurisdiction, 84, outside jurisdiction, when person arrested to be taken before 85, outside jurisdiction, procedure of, when person arrested is taken before 86, other than district or chief

Magistrate—*contd.*

presidency, procedure as to production of document in custody of postal department when required by 95, p. 2, other than district or chief presidency, not to grant warrant to search for document in such custody 96, p. 2, taken stolen property, forged documents, &c., and persons implicated, before 98, (d), (e), to whom things found on search beyond jurisdiction are to be sent 99, persons wrongfully confined, and discovered on search, to be taken before, 100, power of, to direct search in his presence 105, empowered, transfer to, of person arrested as likely to break peace 108, not empowered, procedure of in such case 108, acting under section 107, 109 or 110, order to be made by 112, acting under section 107, 109 or 110, procedure by, when party not present 114, power of, to dispense with attendance to show cause 116, inquiry, by as to truth of information 117, power of, to order bond for keeping peace or for good behaviour 118, discharge by, after inquiry 119, power of, to reject sureties offered, recording reasons 122, when to lay before high or sessions court proceedings in case of failure to give security 123, p. 2, discretion of, as to imprisonment awardable on failure to give security 23, p. 5, subordinate, release of person imprisoned by, for such failure 124, p. 1, assembly to disperse on command of 127, use of civil or military force by, for dispersion 128, 129, procedure by, on determining to use military force 130, p. 1, dispersion by military officers in absence of instructions from 131, indemnity to, for acts done 132 (1), acting in good faith, deemed guiltless 132, (2) (a), ordering removal of nuisance, application to, for jury 135 (b), procedure by, on cause shown against such order 137, procedure by, on application for jury to inquire into such order 138, foreman and jurors to be nominated by 138 (a), acceptance by of jury's modification in order 139, p. 1, when to make order absolute

Magistrate—contd.

139, p. 1, procedure by, on order being made absolute 140, pp. 1, 2, outside jurisdiction, endorsement by, of order for attachment and sale for recovery of costs 140, p. 2, discretion of, as to allowing time for return of verdict 141, order by, on failure to appoint jury or non-return of verdict 141, issue of injunction by, to prevent danger or injury 142, p. 1, power of, to act on failure to obey injunction 142, p. 2, indemnity to, for thing done in good faith 142, p. 3, specially empowered, authority of, to prohibit repetition or continuance of nuisance 143, specially empowered, authority of to issue order absolute in urgent cases 144, any, may rescind or alter order made by self or other, in urgent case 144, p. 4, subordinate, deputation of, to inquire into dispute concerning land, &c., report receivable as evidence 148, pp. 1, 2, arrest without orders from, to prevent cognizable offence 151, having jurisdiction, information of seizure of false weights and measure, to be given to 153, p. 2, police to refer complainants in non-cognizable cases to 155, p. 1, order of, not necessary to investigation of cognizable case by police 156, p. 1, empowered to take cognizance on police-report, report of suspected cognizable offence to 157, power of, to hold transmission of such report to 158, investigation as to suspected cognizable offence 159, subordinate, deputation of, to hold such investigation, 159, not being a police-officer, power of, to record statements and confessions 164, who is to enquire into or try case, confessions to be sent to 164, p. 2, nearest, forwarding accused and extract from diary to, when police investigation cannot be completed in twenty-four hours 167, p. 1, powers of, as to authorizing detention of persons forwarded 167, p. 2, having jurisdiction, magistrate when to send such persons to 167, p. 2, authorizing detention, to record reasons 167, p. 3, other than district or sub-

Magistrate—contd.

divisional, to forward to his superior copy of order authorizing detention 167 p. 4, release of accused when investigation does not disclose evidence to justify his being sent to 169, empowered to take cognizance on police report, &c., bond for appearance before, of person released 169, empowered to take cognizance on police report, &c., transmission of accused to, after investigation 170, p. 1, empowered to take cognizance on police report, &c., taking security for appearance before, after investigation 170, p. 1, transmission of weapons, &c., to, after investigation 170, p. 2, taking bond, after investigation, for appearance of complainants and witnesses before 170, p. 2, such bond to be sent with police-report to 170, p. 5, may detain recusant complainant or witness 171, prov., empowered to take cognizance on police-report, report of every investigation to be, forwarded to 173, p. 1, superior officer of police may direct further investigation, pending orders of 173, p. 2, orders of, on report of release on bond after investigation 173, p. 3, empowered to hold inquests, intimation of sudden or unnatural death to nearest 174, p. 1, empowered to hold inquests, reports of investigations into such deaths in Madras and Bombay when to be sent to nearest 174, pp. 4, 5, empowered to hold inquests, to hold inquiry into cause of death in police custody 176, p. 1, empowered to hold inquest, any, may hold inquiry into cause of sudden or unnatural death 176, p. 1, empowered to hold inquest, powers of, and record of evidence by 176, p. 1, power of, to disinter corpse 176, p. 2, having jurisdiction, arrested offender beyond jurisdiction to be sent to 186, p. 1, subordinate, procedure by, on arrest for offence in other jurisdiction 187, having jurisdiction, offender beyond jurisdiction arrested under subordinate magistrate's warrant when to be sent

Magistrate—contd.

to 187, p. 1, so empowered, cognizance of offences by 191, pp. 1, 2, taking cognizance upon complaint, procedure by 200, not empowered to entertain complaint, to return it for presentation to proper tribunal 201, subordinate, power to direct local investigation by, prior to proceedings upon complaint 202, p. 1, when may dismiss complaint 203, taking cognizance of offence, when to issue process 204, p. 1, may allow accused to appear by pleader, and afterwards enforce personal attendance 205, pp. 1, 2, so empowered may commit to court of session and high court 206 p. 1, to hear complainant and take evidence on inquiry 208, p. 1, may call for further evidence 208, p. 1, to issue process for further evidence when desired by complainant or accused 208, p. 2, when to discharge accused on inquiry 209, when to place accused on trial 209, p. 1, to record reasons for discharge at early stage of inquiry 209, p. 2, discretion of, to allow accused to give additional list of witnesses 211, p. 2, may examine witnesses in such list 212, when to commit to court of session or high court 218, other than presidency or first class, power of, with sanction, to stop proceedings when no complainant 249, committing, examination of accused recorded by or before, to be read as evidence 287, committing, evidence taken before, when admissible 288, authorized by district magistrate, may tender pardon 337, p. 1, committing, may be ordered to tender pardon after commitment 338, remand to custody by, on postponement or adjournment 344, prov., in mufassal, when to stay proceedings and submit case; to whom to be submitted; procedure by latter 346, procedure by, when, after commencement of inquiry or trial, he finds case should be committed 347, conviction or commitment on evidence recorded partly by one and partly by another 350, mufassal, record of evidence in summons-cases

Magistrate—concl'd.

tried by 355, mufassal, record of evidence in other cases tried by 355, 356. 357, mufassal, discretion of, as to recording evidence in summons-cases 358, taking additional evidence for appellate court 428, any, may take cognizance of offences by European British subjects, in certain cases; process before whom to be returnable 445, mufassal sentences which may be passed by, on such subjects 446, report by, when sessions judge is not such subject 450, procedure by, on accused claiming to be dealt with as such subject 453, p. 1 when to ask accused whether he, is such subject 454, p. 2, procedure by, when accused appears at inquiry or trial to be insane 464, when to try contempts, &c., committed before himself, and when to commit to higher court 487, any, may enforce order of maintenance 490, any, may permit certain persons to conduct prosecution 495, p. 1, deposition of medical witness taken and attested by, may be given in evidence 509, p. 1, procedure by, in reference to property seized by police 523, 525, when to deliver offenders to military authorities 549, p. 1, to apprehended offenders on requisition of military authorities 549, p. 2, trial of case or hearing of appeal in which judge or magistrate is personally interested 555.

Magistrate of first class, corresponding expression in former acts 3, p. 2, power to place, in charge of sub-division 13, p. 1, designation of, when placed in charge of sub-division 13, p. 2, conferment of powers of, on special magistrates 14, pp. 1, 3, conferment of powers of, on magistrates' benches 15, limit of powers of, in trials of offences under laws other than penal code 29, prov. (a), sentences which may be passed by 32 (a), ordinary powers of 36, additional powers of 37, authorization by, of search of place suspected to contain stolen property, forged documents, &c., 38, may issue search-

Magistrate of first class—*contd.*

warrant for discovery of persons wrongfully confined 100, power of court of, to require security for keeping peace 106, power of, to issue order to show cause against security for keeping peace before conviction 107, power of to issue order to vagrants and suspected persons to show cause against security for good behaviour 109, specially empowered, may issue order to habitual offender to show cause against security for good behaviour 110, discharge by, of securities to bond for peaceable conduct or for good behaviour 126, specially empowered, order by, for removal of nuisance 133, p. 1, order requiring appearance before any, of person causing nuisance 133, p. 1, such order not to be called in question by civil courts 133, p. 2, procedure by, on information as to dispute concerning land, &c., likely to cause breach of peace 145, attachment by, of land occasioning dispute 146, procedure by, in reference to disputes concerning easements, &c., 147, order to police by, for investigation of non-cognizable case 155, p. 2, specially empowered, to issue process for offence committed beyond jurisdiction 186, p. 1, specially empowered, cognizance of offences by 191, pp. 1, 3, specially empowered, may transfer case after taking cognizance 192, p. 2, power of, to direct investigation before proceeding upon complaint 202, p. 1, may commit to court of session and high court 206, p. 1, power of, to stop proceedings when no complainant 249, specially empowered may try summarily offences so triable 260, holding inquiry, may tender pardon 337, p. 1, record of evidence in certain trials by 355, discretion as to manner of recording evidence in certain trials by 368, transfer of appeals to 407, p. 2, whether acting under section 349 or not, appeal from sentence of 408, no appeal from certain sentences by, except in case of combination

Magistrate of first class—*concl'd.*

of punishments 413, 415, only, in mufassal, to have jurisdiction over European British subjects 443, cases of contempt, &c., to be sent for trial to nearest, who may transfer case 476, may pass orders for maintenance, appoint persons to receive payments, and enforce orders 488, pp. 1, 3, may alter rate of maintenance allowance 489, commission for examination of witness may be directed to, may be appointed to execute commission 503, pp. 1, 3, procedure of, on forfeiture of bond 514, p. 1, specially empowered, property seized may be sold under orders of 524, p. 1.

Magistrate of second class, corresponding expression in former acts 3, p. 2, power to place, in charge of sub-division 13, p. 1, designation of, when so placed 13, p. 2, conferment of powers of, on special magistrates 14, pp. 1, 3, conferment of powers of, on benches 15, limit of powers of, in trials of offences under laws other than penal code 29, prov. (b), sentences which may be passed by 32 (b), not to pass sentence of whipping unless specially empowered 32, p. 3, ordinary powers, of 36, additional powers of 37, order requiring person causing nuisance to put in appearance before any 133, p. 1, order to police by, for investigation of non-cognizable case 156, p. 2, specially empowered, cognizance of offences by 191, pp. 1, 3, power of to direct investigation before proceeding upon complaint 202, p. 1, procedure by, when he cannot pass sentence sufficiently severe 349, p. 1, record of evidence in certain trials by 355, discretion as to manner of recording evidence in certain trials by 358, appeal from sentence of 407.

Magistrate of third class, corresponding expression in former acts 3, p. 2.

Magistrates, special, appointment of, and conferment of powers on, 14, subordination of, to district magistrate 17, p. 1.

Magistrates, framing of rules as to distribution of business between 17, p. 1, subordination of certain, to sub-divisional magistrate, subject to control of district magistrate 17, p. 2, not subordinate to sessions judge 17 p. 4, suspension and removal of 26, sentence which may be passed by different 32, may pass combined sentences 32, p. 2, may award imprisonment in default of payment of fine 33, ordinary powers of 36, additional powers of 37, aid and information to 42—45, public when to assist 42, complaints to 200—203, commencement of proceedings before 203, 205, trial of summons-cases by 241—250, trial of warrant cases by 251—259, in mufassal to record reasons for tendering pardon 337, p. 4, tendering pardon not to try case 337, p. 4, who may inquire into and try charges against European British subject 443, provincial, ordinary powers of sch. iii, provincial, additional powers with which they may be invested sch. iv.

Magistrates of first class, courts of one class of criminal courts 6, district magistrates to be, 10, mufassal, appointment of, and definition of their territorial jurisdiction 12, p. 1.

Magistrates of second class, courts of one class of criminal courts 6, mufassal, appointment of, and definition of their territorial jurisdiction 12, p. 1.

Magistrates of third class, courts of one class of criminal courts 6, mufassal, appointment of, and definition of their territorial jurisdiction 12, p. 1, conferment of powers of, on special magistrates 14, pp. 1, 3, conferment of powers of, on benches 15, limit of powers of, in trials of offences under laws other than penal code 29, prov. (c), sentences which may be passed by 32, (c), ordinary powers of 36, additional powers of 37, procedure by, when not empowered to pass sentence sufficiently severe 349, p. 1, appeal from sentence of 407.

Maintenance of wives and children 488—490, who may pass order for

Maintenance—*concl'd.*

488, p. 1, payable from date of order 488, p. 2, mode of enforcing order for 488, p. 3, power to make order for, notwithstanding offer of, on restoration of conjugal intercourse 488, p. 3, prov., wife when not entitled to 488, p. 4, cancellation of order for 488, p. 5, evidence in cases of, how taken and recorded 488, p. 6, alteration in allowance for 489, copy of order of, to whom to be given and by whom enforceable 490, proceedings void when order made by magistrate not empowered 530 (n), form of warrant of imprisonment on failure to pay, sch. v, form xl, form of warrant to enforce payment of, by distress and sale sch. v. form xlii.

Majority of jurors finding order for removal of nuisance reasonable, procedure in case of, 139, p. 1.

Management requiring person in nuisance case to take order with property under his, 144, p. 1.

Managers of land, direction of war-rants to, 78.

Manner of inflicting injury to be mentioned in report on sudden or unnatural death 174, p. 1, of committing offence when to be stated in charge 223, of taking evidence by commission 503, p. 3.

Manufacture of forged documents, &c., search of place suspected to be used for, 98.

Marks used for navigation, prevent-ing removal of, or injury to, 152, of injury, described in report on sudden or unnatural death 174, p. 1.

Marriage, cognizance of offence against only on complaint by aggrieved person 198, no conviction of offence against, without complaint by aggrieved party 238, p. 3.

Materials for counterfeiting coin or stamps, or for forging, search of place suspected to contain 98.

Matter on which appeal admissible 418.

- Meaning of documents given in evidence in jury trials to be decided by judge 298, (b), of technical terms, to be determined by jury 299, (b) of general indefinite expressions, to be decided by judge when ascertained by law 299, (d).**
- Means for obviating danger, power to employ, on failure to obey injunction 142, p. 2.**
- Medical officer, forwarding corpse for examination to 174, p. 2, examination of lunatic accused by 464, p. 1.**
- Medical officers commission in cases of lunacy to. consist of a judicial officer and two 474, p. 1.**
- Medical profession, persons practising, exempted from serving as jurors and assessors 320 (h).**
- Medical witness, deposition of, may be given in evidence, for court may call witness 509.**
- Members, ordinary, of governor general's council, justices of the peace 25, of assembly to disperse when commanded 127, of governor general's council, form of charge of assaulting, sch. v, form xxviii, (1), (2).**
- Memorandum to be attached to record of confession before inquiry or trial 164, p. 3, of substance of evidence in summons-cases and in certain trials 355, of substance of evidence in other cases 356, pp. 3, 4, of witness's denial of correctness of his evidence 360, p. 2, of accused's examination when not recorded by magistrate or judge himself 364, p. 3.**
- Merchandize, order prohibiting keeping of noxious 138, p. 1.**
- Military authorities, delivery of offender to 549, p. 1, magistrate to apprehend offenders on requisition of 549, p. 2.**
- Military bazars at cantonments and stations occupied by Madras and Bombay troops 1, p. 2, (b).**
- Minor, bond for keeping peace or for good behaviour, in case of, to be executed only by sureties 118, prov. 8, who may compound on behalf of 345, p. 4.**
- Mischief may be tried summarily 260 (g), when compoundable 345, p. 1.**
- Misdirection, verdict may be altered or reversed on ground of 423 (d), in charge to jury, finding, sentence or order when reversible by reason of 537.**
- Mistake, amendment of wrong verdict delivered by, 304, insufficient sureties accepted by 501.**
- Misunderstanding, verdict may be altered or reversed on ground of 423 (d).**
- Modification of order for removal of nuisance, motion for 133, p. 1, by jury, of order for removal of nuisance 139, p. 1, of order for disposal of property 520.**
- Money, found on prisoner, payment of, to innocent purchaser of stolen property 519.**
- Moneys, order to be paid, recoverable as fines 547.**
- Motion for setting aside or modifying order for removal of nuisance, 133, p. 1, applications for exercise of high court's power of transfer, to be made by 526, p. 3.**
- Mufassal, record of evidence in, in summons-cases and in certain trials 355, record of evidence in, in summons-cases in, discretion as to manner of 358, record of evidence in, in other cases in, procedure when completed 356, 360, record of evidence in, power to appoint manner, taking, and language of 357, record of evidence in, form of 359, ordinary powers of magistrates, in, sch. iii, additional powers conferrible on magistrates in sch. iv.**
- Mukhtar, appointed by court to act, a Pleader 4 (n).**
- Municipality of Bombay, appeals under law regulatig, where to lie 20, prov.**
- Murder, offence of being a thug and committing, where triable 181, p. 1, offence of dacoity with, where triable 181, p. 1, charges of 221, illa. (a), (c), 228, ill. (e), 228, illa. (a), (c), 239, ill. (a), and robbery, charge of 239, ill. (b), and culpable homicide, form of charge of sch. V, form xxviii, (1), (6) & (ii), (2).**

Mutual consent, wife not entitled to maintenance when living separately by 488, p. 4.

Name, refusal by committer of non-cognizable offence to give, 57, endorsement, on warrant, of executing officer's 79, of magistrate or commissioner of police in whose jurisdiction warrant to be executed endorsement of, 83, p. 2, of magistrate or police-officer in whose jurisdiction warrant directed to police-officer is to be executed, endorsement of 84, investigation into suspected cognizable offence may be dispensed with if case not serious and offender is known by 157, p. 1, prov. (a), specific, of offence, sufficient description for charge 221, p. 2, offence how stated in charge when it has no specific, 221, p. 3.

Names of complainant and accused to be recorded in summary trial, 263, (d), (e) of jurors to be called, 277, p. 1, maximum number of to be entered in special jurors' list 312, p. 1, of complainant and accused to be recorded in presidency magistrate's judgment 370, (c), (d).

Narrative form, evidence in mufassal when to be taken down in 353, p. 1, evidence in presidency magistrates' courts to be taken down in, 362, p. 2.

Native state, commission to whom directed when witness resides in, 508, p. 2.

Native states, allied, European British subjects may be tried for offences committed in 188.

Naturalized persons, are *European British subjects* 4 (u).

Navigation, preventing removal of, or injury to, mark used for 152.

Navy, power to arrest without warrant persons suspected of deserting from 54, *sixthly*.

Neglect of applicant to appoint jury in nuisance case 141, to maintain wife or child 488, p. 1, to comply with order of maintenance 488, p. 3.

New order in place of sentence submitted for confirmation, to be signed by two judges 377.

New sentence in place of one submitted for confirmation, to be signed by two judges 377, on escaped convict, when to take effect 396.

New trial, on alteration of charge 229, where magistrate is succeeded 350, order for, when sentence submitted for confirmation 376, (b), 380 (b).

Non-attendance of juror at high court, penalty for 318, of juror or assessor at court of session, penalty for, 332.

"Non bailable offence," definition of 4, (r) duty to give information regarding commission of, or intention to commit 45 (c), which is cognizable, arrest by private persons in case of 59, p. 1.

Non-bailable offences, direction of warrants to land-holders, &c, for arrest of persons accused of 78, bail in case of, to be taken when further inquiry is necessary; arrest after taking bail 497.

"Non-cognizable case," definition of, 4 (g), investigation of, by police 155, pp. 2, 3.

"Non-cognizable offence," definition of 4 (g), refusal by committer of to give address 57, procedure on information as to commission of 155, p. 1.

North-western provinces, jurisdiction of high court of, as regards proceedings against European British subjects 4 (t),

Notice of proclamation, effect of absconder proving that he had not sufficient 89, to be given of order for removal of nuisance being made absolute 140, p. 1, not capable of being served in due time, *ex parte* order as to nuisance in case of 144, p. 2, of transfer of case to be given, at investigation, to complainants and witnesses 170, p. 3, as to hearing objections to list of jurors and assessors, 323, of high court sittings, 335, p. 3, of time of pronouncing judgment 366, of appeal 423, to public prosecutor, of application for transfer of case; time to elapse between notice and hearing 526, p. 5, in nuisance case after finding by jury, form of

Notice—concl'd.

sch. v, form xviii, to government pleader, of commitment by magistrate, form of sch. v, form xxvii, to surety on breach of bond, form of sch. v, form xlv, to surety on forfeiture of bond for good behaviour form of, sch. v, form xlv, to principal, of forfeiture of bond to keep peace form of sch. v, form xlix.

Notification of appointment of justices for mufassal and presidency-towns 22, 23, of arrester's authority and purpose, breaking open premises to arrest, after 48, of substance of warrant of arrest 80, by proclamation, of order for removal of nuisance 134, p. 2, of prolongation of currency of orders in nuisance cases 144, p. 5, of commitment to sessions or high court 218 p. 1, (1), of transfer of case by government 527, p. 1.

Notifications under former acts saved 2, p. 2.

Nuisances, public 133—143, conditional order for removal of 133, p. 1, prohibition of repetition or continuance of 143, proceedings in certain cases of, may not be called for by superior courts 435, p. 3, proceedings void when magistrate not empowered makes orders as to 530 (g), (h), (i), form of order for removal of sch. v, form xvi, form of order constituting jury sch. v, form xvii, form of notice and peremptory order after finding by jury sch. v, form xviii, form of injunction pending inquiry by jury sch. v, form xix, form of order prohibiting repetition, &c., of sch. v, form xx, form of order to prevent obstruction, riot, &c., in urgent cases of sch. v, form xxi.

Number of sessions divisions or districts, alteration of 7, p. 2, of sureties to be stated in order for taking security 76, p. 2, of sureties required, order for showing cause to state 112, of jurors for inquiry as to order for removal of nuisance 138 (a), serial, to be entered in record of summary trial 263 (a), of jury in trials before high courts 274, p. 1,

Number—concl'd.

of jury in trials before courts of session 274, p. 2, of objections, without grounds, to jurors, allowed in high courts 277, prov., maximum, of names in special jurors' list 312, p. 1, of jurors to be summoned for high court sessions 315, of jurors and assessors to be summoned for sessions court sessions 326, serial, of case, in presidency magistrate's judgment 370 (a), of stripes, limit of, in sentences of whipping 392, p. 2.

Oath, complainant to be examined upon 200, examination of complainant upon, discretionary with presidency magistrate 200, prov. (b), not to be administered to accused 342, p. 4.

Objection to thing being done upon land, &c., causing dispute, order in case of, 147, trial by same jury or assessors of several offenders in succession, subject to right of 272, prov., to jurors by accused or by prosecutor: grounds to be stated 277, p. 2.

Objections to jurors in high court without stating grounds 277, prov., to jurors on what grounds allowable 278, to jurors decision of 279, p. 1, to jurors being allowed, new jurors in case of 279, p. 2, new jurors to replace others, subject to 279, p. 2, allowable, to be kept in view in preparing list of jurors and assessors for court of session 321, p. 1, to such list, notice of, and procedure in reference to, hearing of 323, 324; to irregular commitment, effect of 532, to trial with assessors, of offence triable by jury 536, p. 2.

Obstruction to police-officer in execution of duty, arrest, without warrant, in case of 54, *fifthly*, unlawful, conditional order for removal of 133, p. 1, to persons lawfully employed, issue of order in urgent cases of nuisance in view to prevention of 144, p. 1, to public servant, charge of 223, ill. (d).

Occupant to be present at search and to receive copy of list 103, p. 3.

Occupations, noxious, conditional order for suppression of 133, p. 1.

Occupiers of land and their agents bound to report certain matters 45.

Offence, complaint includes allegation before magistrate of an 4 (a), definition of 4 (p), to be specified in writing, when subordinate police-officer is deputed to arrest without warrant 56, in presence of magistrate, arrest of person committing 64, order to person concealing himself with object of committing, to show cause against security for good behaviour 103, punishable with imprisonment, commission, attempt or abetment of, in any place, constitutes breach of bond for good behaviour 121, persons acting under chapter IX not deemed to have thereby committed, 132, 2, by reason of thing done or consequence ensuing, place of trial for 179, place of trial where act is an by reason of relation to another 180, committed beyond local jurisdiction, power to issue process for 186, p. 1, committed out of British India, trial of 188, committed out of British India, power to direct copies of depositions and exhibits to be received in evidence at inquiry or trial of 189, charged, to be declared in charge framed on commitment 210, p. 1, to be stated as in charge, on notification of commitment 218, p. 1, (1), to be stated in charge 221, p. 1, specific name of, sufficient description for charge 221, p. 2, how stated in charge when it has no specific name 221, p. 3, law creating, to be stated in charge 221, p. 4, charged, fulfilment of every condition required to constitute the, implied by making of charge 221, p. 5, previous conviction of an, when to be mentioned in charge 221, p. 7, particulars of, to be stated to accused in trials of summons-cases 242, complained of or proved and date of commission to be recorded in summary trial 263 (b), (f), objection to juror on ground of having been convicted of, 278, (f), charged, description of, to be read by prosecutor 286, p. 1, considered to have been committed, to be stated in submitting

Offence—concl'd.

verdict of acquittal to high court 307, p. 1, and section to be specified in judgment 367, p. 2, judgment in alternative when section applicable to, is doubtful 367, p. 3, punishable with death, judgment to state reason when sentence of death is not passed 367, p. 5, complained of or proved and date of commission to be recorded in presidency magistrate's judgment 370 (b), (e), order for disposal of property connected with an 517, p. 1, & exp., procedure on seizure of property connected with 523.

Offences, petty, in military bazars, cantonments and stations occupied by Madras or Bombay troops 1, p. 2 (b), forming warrant cases 4 (e), forming summons-cases 4 (i), to be inquired into and tried according to code 5, cognizable by each court, description of 28—30, under penal code, courts by which triable 28, under other laws, courts by which triable 29, under other laws, limit of magistrates' powers in trial of 29, prov., not punishable with death, investiture of district magistrate with power to try as magistrate all 30, several, sentence in cases of conviction at one trial of 35, several, offender not necessarily to be sent to higher court when charged with 35, p. 2, combined sentence for several, deemed single sentence for confirmation or appeal 35, p. 3, public to, give information of certain 44, prevention of 166—153, security for keeping peace on conviction of certain 106, where ordinarily to be tried 177, cognizance of, by magistrates 191, cognizance of, by courts of session 193, p. 1, cognizance of, by high court 194, certain, cognizance of, not to be taken without sanction 195, p. 1, referred to in sections 198 and 199, no person to be convicted of, without complaint made as required 238, p. 3, persons accused of different, committed in same transaction, or one person of committing, and another with abetting or attempting, may be charged and

Offences—*concl.*

tried either together or separately 239, triable summarily 260, abatement of, triable summarily 260 (j), attempts to commit, triable summarily 260 (k), authority to empower benches to try summarily certain 261, local government may order trials of all, or of classes of, before court of session to be by jury 269, p. 1, not triable by jury, when to be so tried before court of session 269, p. 2, compounding of 345, record of evidence in trials of by first and second class magistrates 355, 358, trials of, after previous acquittal or conviction 403, affecting administration of justice, proceedings in case of certain 476—487.

Offender charged with several offences not necessarily to be sent to higher court 35, p. 2, pursuit of, into other jurisdictions 58, in magistrate's presence, arrest of 64.

Offenders in respect of stolen property, forged documents, &c., production before magistrate of, 98 (e), arrest of, on suspicion of cognizable offence 157, p. 1, attending court, detention of 351, already sentenced for other offence, commencement of new sentence on 397, not to be excused from punishment upon former or subsequent conviction 398, in contempt cases, discharge of, on submission or apology 484.

Office, justices of the peace in virtue of their 25, continuance of magistrates' powers on change of 40, service of summons on government or railway servant through head of his 72, release by district or presidency magistrate of person imprisoned for failure to give security by his predecessor in 124, p. 1, any magistrate may rescind or alter orders in nuisance cases by predecessor in 144, p. 4, under court, objection to juror on ground of his holding 278 (d).

Officer authorized to try petty offences in military bazzars 1, p. 2 (b), exercising (or 'having') the powers (or

Officer—*concl.*

'the full powers) of a magistrate; corresponding expression in code 3, p. 2, appointed in that behalf, a high court 4 (i), appointed in that behalf, to be considered an advocate general 4 (k), appointed by chief justice to duties of office, considered clerk of the crown 4 (l), succeeding to position of district magistrate, duties of 11, delegation to any, of authority to appoint special magistrates 14, p. 3, before whom arrested persons are produced, delivery of weapons to 53, or other person making arrest, seizure and disposal of weapons found by 53, appointed by high court, signature of summons by 68, p. 1, of court, service of summons by, subject to rules 68, p. 2, signature of receipt for summons, when required by serving, 69, p. 2, signature of receipt for summons, by member of summoned person's family, when required by serving 70, serving summons, procedure by, when receipt cannot be obtained 71, serving summons, not present at hearing of case, proof of service in case of, 74, acting under warrant, duty of, on order for taking security 76, executing search-warrant, persons in charge of closed place to allow search on demand of 102, p. 1, executing search-warrant, procedure by, on refusal of entry into closed place 102, p. 2, executing search-warrant, to invite attendance of witnesses, and make list of things seized 103, pp. 1, 2, having custody of person required to show cause, issue of warrant to 114, serving or executing summons or warrant to deliver to party copy of order 115, acting in good faith, not deemed to have committed offence 132 (b), inferior, acting under military authority in accordance with order, not deemed to have committed offence 132 (d), whose duty it is to prevent or take cognizance of offence, police to communicate to, information of design to commit cognizable offence 150, of police, submission through, of reports of suspected cognizable

Officer—concl.

offences 158, of police, may direct further investigation 173, p. 2, of, police, reports of investigations to be submitted through 173, p. 2, of court, jury or assessors viewing place to be conducted to it by 293, p. 1, of court conducting jury or assessors to view place, duty of 293, p. 2, of court jurors locked up to be placed in charge of 296, appointed to make list of jurors and assessors 321, p. 1, appointed to sit with sessions judge for hearing objections to, and revising such list 324, pp. 1—4, in charge of jail, warrant for execution of sentence of imprisonment to be directed to 384, in charge of jail, presentation of appeal through 420, empowered may conduct prosecution without permission from court 495, p. 1.

Officer in charge of police-station”—

definition of 4 (o), magistrates to have powers of 33, persons bound to report matters to nearest 45, arrest of vagabonds by 55, procedure when subordinate officer is deputed by, to arrest without warrant 56, persons arrested to be taken before 60, report of apprehensions to be made by 62, endorsement by, of warrant for execution outside jurisdiction 84, in mufassal, power of, to issue order to produce document or other thing 94, assembly to disperse on command of 127, use of civil force by, for dispersion 128, inspection of weights and measures by 153, treatment by, of information concerning commission of cognizable offence 154, procedure by, on such information as to non-cognizable offence 155, p. 1, investigating cognizable case, powers exercisable by 155, p. 3, power of, to investigate cognizable case 156, p. 1, procedure by, where cognizable offence suspected 157, instructions to, on report of suspected cognizable offence 158 p. 2, search by or under orders of 165, pp. 1, 2, 3, power of, to require officer in charge of other station to issue search-warrant

Officer in charge—concl.

166, p. 1, required by another to issue search-warrant, procedure by 166, p. 2, procedure by, when investigation cannot be completed in twenty-four hours 167, p. 1, release of accused by, on completion of investigation 169, procedure by, when investigation discloses evidence to justify case being sent to magistrate 170, pp. 1, 2, 5, may forward recusant complainant or witness in custody 171, prov., to forward report of every investigation to magistrate 173, p. 1, may be directed to make further investigation 173, p. 2, to inquire into and report on unnatural and sudden deaths 174, p. 1, may summon persons to attend at investigation into such death 175, p. 1, bail or bond from person arrested by, for bailable or non-bailable offence 496, 497.

Officers bound to report certain matters 45, of government, exemption of, from service as jurors 313, p. 4, in superior civil employ exempted from serving as jurors or assessors 320 (a), of police, superior, powers of 550.

Offices, constitution of criminal courts and 6—27, constitution and powers of criminal courts and 6—41, mufassal courts and 9—17.

Officials, powers may be conferred on, by clauses 39,

Omission made punishable by law is an *Offence* 4 (p), of jury to return verdict as to order for removal of nuisance, procedure on 141, to mention previous conviction in charge may be rectified 221, p. 7, in charge, effect of 225, to ask person whether he is an European British subject, effect of 534, to frame charge, effect of 535, in charge, or proceedings : finding, sentence or order when reversible by reason of 537.

Omissions, illegal, application of words to 1, p. 2.

Open court, place of inquiry or trial is an 352, judgment to be pronounced in 366, judgment to be dated and signed in 367, p. 1.

Opinion, of benches, framing of rules for settling differences of 16 (d), 21 (d), of magistrate, manner of recording statements before inquiry or trial left to 164, p. 2, of judge upon questions of fact or of mixed law and fact may be expressed to jury 298, p. 2, of assessors, delivery and record of 309, p. 1, of assessor, judge not bound to conform to 309 p. 2, difference of, between officers hearing objections to list of jurors and assessors 324, p. 2, difference of, in case submitted for confirmation of sentence 378, procedure where judges of appellate court are equally divided in 429, procedure where judges of high court in revision are equally divided in 439.

Orally, treatment of information as to cognizable offence when given 154, power to examine witnesses 161.

Order conferring powers on magistrate when to take effect 39, p. 2, of magistrate, arrest without warrant or 54, of local government, power to arrest without warrant offenders proclaimed by 54, *thirdly*, in writing to subordinate police-officer deputed to arrest without warrant 56, of magistrate, detention of persons arrested without warrant in absence of special 61, of magistrate, discharge of persons arrested without warrant under special, 63, of magistrate, to arrest for offence in his presence 64, for attachment of property of absconder 88, pp. 1, 2, 3, 4, by officer in charge of police-station in mufassal, for production of document or thing 94, for production of document in custody of postal department 95, p. 2, under section 94, search-warrant in place of 96, for things found on search beyond jurisdiction to be taken to issuing court 99, on production of person wrongfully confined 100, to execute bond for keeping peace 106, for security, showing cause against 107, to execute bond for good behaviour of vagrants, &c., showing cause against 109, to execute bond for

Order—contd.

good behaviour of habitual offenders, showing cause against 110, for showing cause, contents of 112, for showing cause, procedure when party present in court 113, for showing cause, summons or warrant issued to be accompanied by copy of 115, to furnish security, power to dispense with attendance of person required to show cause against 116, to show cause, inquiry after explaining 117, to show cause, form of inquiry as to truth of information in case of 117, p. 2, to show cause, after such inquiry 118, to show cause, not to require more than that under section 112, 118, prov. 1, to furnish security for keeping peace or for good behaviour, proceedings subsequent to 120—126, commencement of period for security required by 120, procedure on disobedience to, 123, pp. 1, 2, 3, of certain magistrates or their predecessors, and of certain courts, release of person imprisoned by, on failure to give security 124, to give fresh security on discharge of surety 126, p. 3, under chapter IX, persons acting under, not deemed to have committed offence 132, for removal of nuisance 133, p. 1, for removal of nuisance not to be called in question in civil courts 133, p. 2, for removal of nuisance, manner of service or notification of 134, for removal of nuisance, person affected by, to obey, show cause or claim jury 135, for removal of nuisance, to be made absolute when party does not obey or appear 136, for removal of nuisance, procedure on party showing cause against 137, for removal of nuisance to be made absolute on jury finding it reasonable : procedure on confirmation of 139, p. 1, 140, pp. 1, 2, on failure to appoint jury to inquire into propriety of removal of nuisance 141, for removal of nuisance, power of magistrate making, to issue injunction pending inquiry 142, p. 1, prohibiting repetition or continuance of nuisance 143, in urgent cases of nuisance 144, p. 1,

Order—contd.

for appearance of parties to dispute concerning land, &c., 145, p. 1,* temporarily continuing possession in such case 145, pp. 3, 4, in cases of disputes concerning easements, &c., 147, necessary to investigation of non-cognizable case 155, pp. 2, 3, not necessary to investigation of cognizable case 156, p. 1, as to submission of reports of suspected cognizable offences 158, p. 1, by police-officer requiring attendance of witnesses 160, to subordinate police-officer to search 165, p. 3, for detention of accused pending completion of investigation 167, p. 4, general or special, of district or sub-divisional magistrate, police to inquire into sudden or unnatural death unless otherwise directed by 174, p. 1, of commitment to court of session or high court, when to be made 213, final, to be entered in record of summary trial 263 (i), directing trials before court of session to be by jury, power to make, revoke and alter 269, p. 1, postponing proceedings not made by high court to state reasons and be signed 344, final, and its date to be recorded in presidency magistrate's judgment 370 (g), (h), on confirmation not to be made by high court before expiry of period allowed for appeal 376, prov., in case of difference of opinion as to case submitted to high court for confirmation of sentence 378, copy of, to be sent to court of session 379, appealed against, copy of, when to accompany appeal 419, powers of appellate court in respect of any 423, when judges of appellate court are equally divided 429, to find sufficient sureties in place of those proving insufficient 501, for recovery of penalty of bond, appeal from and revision of 515, for disposal of property in respect of which offence committed; direction to carry it into effect; time for appeal from 517, pp. 1, 2, 3, for disposal of property may take form of reference to district or sub-divisional magistrate 518,

Order—concld.

for payment to innocent purchaser, of money found on prisoner 519, for disposal of property, stay of 520, for restoration of immovable property not to prejudice rights which may be established by civil suit 522, for sale of property seized and unclaimed, appeal against 524, for transfer of case when to be made 526, pp. 1, 5, of attachment, forms of sch. v, form xvi, declaring party entitled to retain land, &c., in dispute, form of sch. v, form xxii, prohibiting the doing of thing on land or water, form of sch. v, form xxiv.

Orders under former acts saved 2, p. 2, of local government, duties of successor to chief administration of district, pending 11, of local government as to powers of benches, provision in absence of 15, p. 2, of high court or court of session, when person disobeying order for security to be detained, pending 123, p. 2, of high court or court of session, report for, of case of person imprisoned for failure to give security 124, p. 2, temporary, in urgent cases, for removal of nuisances 144, from magistrate, arrest without, to prevent cognizable offence 151, by officers preparing or revising list of jurors or assessors for court of session, finality of 324, p. 4, by high court on proceedings not understood by accused 341, on appeal, finality of 430, for maintenance of wives and children 488, 489, 490, for removal of nuisances, forms of sch. v, form xvi, other, in nuisance cases, forms of sch. v. forms xvii to xxi.

Oudh, investiture of district magistrate with special powers in 30.

Owner of building, &c., order to, for removal of nuisance 133, p. 1.

Owners, of land, and their agents, bound to report matters 45.

Panjab, investiture of district magistrate with special powers in 30.

- Pardon, tender of 337, 338, commitment of person receiving tender of 339, saving of queen's right to grant 401, p. 4, proceedings not vitiated when magistrate not empowered tenders 539 (g).
- Parentage of accused, to be entered in record of summary trial 263 (c), when to be recorded in presidency magistrate's judgment 370 (d).
- Partiality, objection to juror on ground of 278 (a).
- Particulars as to time, place and person to be stated in charge 222, as to manner of committing offence, when to be stated in charge 223, of offence to be stated to accused in trials of summons-cases 242, to be recorded in summary trials where no appeal lies 263, to be embodied in judgment where appeal lies 264, p. 1, to be given in list of jurors and assessors for court of session 321, p. 2, to be recorded by presidency magistrate instead of judgment 370.
- Parties optional with court of revision to hear 440, may forward interrogatories, and may themselves examine, cross-examine and re-examine witness 505, commission, return thereto and depositions open to inspection of, and may be read in evidence by 507, convenience of, ground for transfer of case by high court or by government 526 (d).
- Payment of rent to absconder, order prohibiting 88, p. 4 (g), of expenses of local inquiry into dispute concerning land, &c., declaration as to 148, p. 1, of penalty of bond, enforcement of 514, pp. 1-4, 516, of penalty of bond, court may result, in part 514, p. 5, to innocent purchaser, of money found on prisoner 519, of expenses of complainant and witnesses 544, of prosecution expenses or compensation out of fine 545, for compensation to be taken into account in subsequent civil suit 546.
- Peace, public to assist magistrates and police in prevention of breach of 42 (b).
- Penal servitude, persons sentenced to, not to be punished with whipping 393 (b), beginning of sentence of, on escaped convict 396, sentence of, severer than imprisonment 396, exp., beginning of sentence of, on offender already sentenced for other offence 397, commutation of sentence of 402, computing term of, when convict released pending appeal 426, p. 3.
- Penalty for not obeying order as to removal of nuisance 136, intimation of liability to 140, p. 1, witness at investigation may refuse to answer questions tending to expose him to 161, p. 2, 175, p. 1.
- Pending cases to be decided under code 556.
- Performance of act directed by order for removal of nuisance, procedure on failure of 135, 136, of act directed by order for removal of nuisance, notice of order for, being made absolute, procedure on failure of 140, pp. 1, 2, of act directed by order for removal of nuisance, for recovery of costs of 140, p. 2.
- Period of bond for keeping peace or for good behaviour 118, prov. 1, for security, commencement of 120.
- Perishable property of absconder, proviso as to speedy sale of 88, p. 6, power to sell 525.
- Permission to do thing on land, &c., the right to do which is in dispute 147, of court to compound offences 345, p. 2, to conduct prosecution 495, p. 1, of appellate court to trial or commitment of case in which judge or magistrate is personally interested 555.
- Petition of appeal 419.
- Photography, included in *Writing and Written* 4 (e).
- Place, definition of 4 (w), of inquiry or trial, power of investigation subject to provisions as to 156, p. 1, of inquiry or trial, provisions relating to 177-190, in which offence committed, to be specified in sanction for prosecution 195, p. 2, in which

Place—concl'd.

offence committed, particulars as to, to be stated in charge 222, in which offence committed, view of, by jury or assessors 293, p. 1, of hearing appeal, notice of 422.

Places for affixing copy of proclamation regarding removal of nuisance 134, p. 2.

Plea to be recorded 255, p. 2, 263 (g) ; 271, p. 2 ; 870 (f), conviction on 255, p. 2, 271. p. 2, appeal of accused convicted on his own 412.

"Pleader," defined 4 (n), appearance by, of person called upon to show cause against security for keeping peace 116, appearance by, of parties to dispute concerning land, &c., 145, p. 1, magistrate may allow accused to appear by 205, p. 1, opening case for defence, examining witnesses, summing up 290, right of accused to be defended by 340, when attendance of accused dispensed with, evidence to be taken in presence of his 358, for accused, evidence to be read over to witnesses in presence of 360, p. 1, for accused, interpretation of evidence to 361, p. 2, judgment to be pronounced in presence of accused or his 366, for appellant may present appeal 419, for appellant to be heard before rejection of appeal 421, p. 1, for appellant notice of appeal when to be given to 422, for appellant hearing of 423, or accused, additional evidence ordinarily to be taken in presence of 428 p. 3, accused or his, to be heard in defence, before prejudicial order is passed by high court in revision 439, p. 2, privately instructed, to be under public prosecutor's direction 498, prosecution may be personally or by 495, p. 2, examination of witnesses by, when commission issued 505, p. 2.

Points, for determination and decision thereon, judgment to contain, 367, p. 1.

Police, aid and information to 42—45, how to deal with offenders arrested by private persons 59, pp. 2, 3, to assist in executing warrant for execution outside jurisdiction 84, preventive action of 149—153,

Police—concl'd.

information to, and power of, to investigate 154—176, reasons for detention of accused in custody of, to be recorded 167, p. 3, inquiry into cause of death of person in custody of 176 p. 1, investigation by, ordered by magistrate not empowered, not vitiated 529 (b).

Police-officer, public to give information of offences to nearest 44, of village, bound to report certain matters 45, effect of refusal to give name and residence to 57, pursuit into other jurisdiction by 58, offenders arrested by private persons to be made over to 59, p. 1, (2), arresting without warrant, duty of, in respect of offender 60, arresting without warrant, detention of offender by 61, service of summons by 68, p. 2, direction of warrant to 77, execution of warrants directed to more than one 77, p. 2, persons arrested by landholders, &c., to be made over to nearest 78, p. 3, execution of warrant directed to 77, or other person making arrest, notification of substance of warrant by 80, or other person making arrest, to produce prisoner before court without delay 81, warrant for execution outside jurisdiction not necessarily to be directed to 83, to whom warrant may be endorsed for execution outside jurisdiction 84 authorization of, to search place suspected to contain stolen property, forged documents, &c., 98, procedure on report of, that breach of peace is apprehended 114, prov., protection of, against prosecution 132, to prevent cognizable offences 149, duty of, on receiving information of design to commit cognizable offence 150, may arrest to prevent cognizable offence 151, person arrested for offence committed beyond jurisdiction, when to be delivered to 187, p. 1, power to direct investigation by, prior to proceedings upon complaint 302, p. 1, appointment of, to act as public prosecutor 492, p. 2, of certain rank may be permitted to conduct prosecution 495, p. 1.

Police-officers, village, in Bombay how affected by code 1, p. 2 (d), considered *officers in charge of police-stations* 4 (o), offence for, and case in, which arrest may be made without warrant by 4 (q), offence for, and case in, which such arrest may not be made by 4 (q), powers as special magistrates not to be conferred on certain 14, p. 4, public when to assist 42.

Police report as to dispute concerning land, &c., procedure on 145, as to dispute concerning easements, &c., procedure on 147, of suspected cognizable offence to magistrate empowered to take cognizance 157, cognizance of offences upon 191, p. 1 (b), p. 2, proceedings not vitiated when magistrate not empowered takes cognizance upon 529 (c).

Police-station, definition of 4 (o), arrest of persons concealing presence within limits of 55, (a), arrest of persons having no means of subsistence, &c., within limits of 55 (b), offenders arrested by private persons when to be taken to nearest 59, p. 1, (2), report of arrest without warrant within limits of 62, search by police within limits of 165, p. 1.

Political agent to certify fitness of inquiry into charge of offence committed in native state 183, prov., definition of 190, when commission for examination of witnesses to be directed to; his duty on receiving same 503, pp. 2, 3.

Ports of presidency-town, presidency magistrates' jurisdiction within limits of 19.

Possession of stolen property, forged documents, &c., police may be authorized to take, 98, parties to dispute concerning land &c., to be required to put in statement respecting actual 145, p. 1, of land, &c., occasioning dispute, magistrate to decide who is in 145, p. 2, of land, &c., occasioning dispute, party in, to continue to hold until

Possession—*concl'd.*

legally evicted: cancellation of order on proof of no dispute 145, pp. 3, 4, attachment of land, &c., occasioning dispute, failing proof of actual 146, of any person, search for thing not known to be in, 165, p. 1.

Post, transmission of warrants of arrest through the 83.

Post office, offences against laws relating to, may be inquired into and tried in presidency-towns 184, employees, exempted from serving as jurors or assessors 320 (i).

Postponement of proceedings, power to order 344, p. 1, of execution of capital sentence on pregnant woman 382, of trial or proceedings when accused is of unsound mind 464.

Power of appointing sub-divisional magistrates, delegation by local government of 13, p. 3, to make rules regarding benches in presidency-towns 18, p. 2, to try offences not punishable with death, investiture of district magistrate with 30, of police to investigate 154—176, to inquire or try, police investigation limited to cognizable cases in which court has 156, p. 1.

Powers, special, conferred by other laws 1, p. 2, conferred by former acts. continued 2, p. 2, and constitution of criminal courts and offices 6—41, of district magistrate to be exercised by temporary successors 11, of subordinate mufassal magistrates, definition of areas for exercise of; their jurisdiction when not specially defined 12, pp. 1, 2, conferment of, on special magistrates; not to be conferred on certain police-officers 14, pp. 1, 4, of local governments in appointing special magistrates, delegation of 14, p. 3, of benches of magistrates 15, of courts 28—41, of magistrates, ordinary and additional 36—38, of magistrates, conferment, continuance and cancellation of 39—41, of officer taking evidence on commission 503, p. 3.

Practice and proceedings, power of high courts to make rules for regulating 553 (c).

Predecessor, release by district or presidency magistrate of person imprisoned by his, for failure to give security 124, p. 1, in office, any magistrate may rescind or alter orders by a 144, p. 4, magistrate may act on evidence recorded by his 350.

Pregnant woman, postponement of capital sentence on 382.

Prejudice to accused, conviction on evidence recorded by different magistrates may be set aside if resulting in material 8:0, prov. (b), to accused, order resulting in, not to be made without his being heard 439, p. 2.

Preliminary inquiry into suspected cognizable offence 159.

Preliminary matter relating to trials before high courts and courts of session 266—270.

Presence of magistrate, fact of confession before inquiry or trial being taken in, to be certified 164, p. 3, of other competent person, power of police-officer to depute subordinate to conduct search, failing, 165, p. 3, of two or more respectable inhabitants of neighbourhood, investigation into sudden or unnatural death to be made in 174, p. 1, and hearing of judge or magistrate, evidence to be taken down in 356, p. 1, magistrate or judge to certify that accused's examination was taken in his hearing and 364, p. 2.

Present in court, power to take bond for appearance of person 91.

Presidency magistrate, corresponding expression in former acts 3, p. 2, authorization by, of search of place suspected to contain stolen property, forged documents, &c., 98, may issue search-warrant for discovery of persons wrongfully confined 100, power of, to require security for keeping peace 106, power of, to issue order to show cause against such security 107, power of, to issue order to vagrants

Presidency magistrate—contd.

and suspected persons to show cause against security for good behaviour 109, power of, to issue order to habitual offenders to show cause against such security 110, when to lay before high court proceedings in case of failure to find security 123, p. 2, power of, to release person imprisoned for such failure 124, p. 1, report by, to high court, in view to release of such person 124, p. 2, discharge by, of sureties for peaceable conduct or good behaviour 126, may order police to investigate non-cognizable case 155, p. 2, power of, to issue process for offence committed beyond his local jurisdiction 186, p. 1 cognizance of offences by 191, p. 1, procedure of, in taking cognizance upon complaint 200, prov. (b), (except chief) to be specially empowered to direct local investigation prior to proceeding upon complaint 202 p. 1, may commit to court of session and high court 206, p. 1, need not record reasons on refusing process for further evidence 208, p. 3, need not record reasons for commitment of accused to court of session or high court 213, power of, to stop proceedings in case instituted otherwise than on complaint 249, may tender pardon 337, p. 1, need not record reasons for tender 337, p. 4, may exclude person from court 352, prov., need not make memorandum of accused's examination when he does not record it himself 364, p. 3, particulars to be recorded by, instead of judgment 370, appeal from sentence of 411, appeal from conviction by, on accused's own plea 412, reference by, to high court 432, to carry out high court's order on reference 433, p. 1, statement by, of grounds of decision to be considered by high court revising proceedings 441, competent to inquire into and try charges against European British subjects 443, may try contempts committed before himself and of case 487, may pass orders for maintenance of wives and children, appoint persons

Presidency magistrate—*concl.*
to receive payments and enforce orders 488, pp. 1, 8, may alter rate of allowance sanctioned 489, issue by, of commission for examination of witnesses 503, p. 1, when commission may be directed to 504, p. 1, may proceed in case of forfeiture of bond 514, p. 1, property seized may be sold under orders of 524, p. 1, power of, to order prisoner in jail to be brought up for examination 542, p. 1, power of, to compel restoration of abducted females 551.

Presidency magistrates, courts of, one class of criminal courts 6, provisions relating to courts of 18—21, appointment of 18, p. 1, local limits of jurisdiction of 19, in Bombay, jurisdiction of 20, framing of rules for guidance of 21, are justices of the peace in virtue of office 25, sentences which may be passed by courts of 32 (a), warrant of arrest issued by, always to be directed to police-officer 77, record of evidence in courts of 362.

Presidency-town, definition of 4 (b).

Presidency-towns not included in sessions divisions 7, p. 1, deemed districts 7, p. 4, districts outside of, may be divided into sub-divisions 8, p. 1, courts and offices outside 9—17, appointment of magistrates for 18, p. 1, presidency magistrates to exercise jurisdiction in 19, powers of chief magistrates in 21, appointment of justices of the peace for 23, present justices to continue 24, p. 1, public to assist magistrates and police both within and without 42, public to give information of certain offences both within and without 44, summons may be left with servant in 70, power of magistrate or officer in charge of police-station, whether within or without, to disperse assembly 128, offences against railway, telegraph, post-office and arms acts may be inquired into and tried in 184, charge in, to be written in English 221, p. 6, jurors for trials in, when to be chosen

Presidency towns—*concl.*
from special jury list 276, prov. 3, commissions for examination of witnesses in 504, compensation to person groundlessly given in charge in 552.

Presiding judge or magistrate when to sign orders postponing proceedings 344, p. 2, may exclude person from court 352, prov.

Presiding officer of court, signature and sealing of summons by 68, p. 1, signature of warrant by 75, p. 1, power of, to take bond for appearance 91, issue of warrant by, on breach of bond 92.

Prevention of breach of peace, public to assist magistrates and police in 42 (b), of offences 106—153, of breach of peace 108, 114, prov., of construction of building or disposal of substance 133, p. 1, of danger to public 133, p. 1, of injury, injunction for, pending inquiry 142, pp. 1, 2, of obstruction, &c., 144, p. 1, of doing upon land, &c., thing the right to do which is disputed 147, of offences by police 149—151, of injury to public property 152, of production of inadmissible evidence 298 (a).

Preventive action of police 144—153.

Preventive service, members of, exempted from serving as jurors or assessors 320 (d).

Printing included in *Writing and Written* 4 (e).

Prison, commitment to, or detention in, of person failing to comply with order for security to keep peace or for good behaviour 123, p. 1.

Prisoner, discharge of jury in case of sickness of 283, certain high courts may direct production of, to give evidence 491 (c), certain high courts may direct production of, before court-martial or commissioners 491 (d), removal of, from one custody to another, certain high courts may direct 491 (e), in jail, power to order bringing up of, for examination; officer in

Prisoner—concl'd.

charge of jail to provide for his safe custody while absent from jail 542.

Private persons, arrest by 59, p. 1.

Privy to deposit of stolen property, forged documents, &c., arrest of persons 98 (c).

Procedure special, prescribed by other laws 1, p. 2, barred by former acts, not restored 2. p. 1.

Proceedings for collection of evidence, included in *Investigation* 4 (b), involving taking of evidence are *Judicial proceedings* 4 (d), against European British subjects, definition of *High Court* in reference to 4 (i), in any court, meaning of *Pleader* in reference to 4, (n), in all cases subsequent to order to furnish security for keeping peace or for good behaviour 120—126, stay of 137, p. 2, 139, p. 2, 145, p. 4, of police in investigations 156, p. 2, 172, p. 1, in prosecutions 177—403, further, bar to, in case of offence committed out of British India 188, conditions requisite for initiation of 191—199, before magistrates, commencement of, 204, 205, in summons-cases, power to stop, when no complainant 249, date of termination of, to be recorded 263 (j), before high courts and courts of session, commencement of 271—273, to be stayed and new trial held when all assessors absent 285, p. 2, stay of, on motion of advocate general 333, not being understood by accused, procedure in case of 341, stay of, when mufassal magistrate cannot dispose of case 346, p. 1, when to be stayed, and case committed 347, p. 1, stayed under section 346, provisions not applicable to 350, last para, stopping of, when no complainant, is not acquittal 403, exp., of inferior courts, power to call for and examine 435, pp. 1, 2, in nuisance cases and magisterial inquests, may not be called for by superior courts 435, p. 8, against Europeans and Americans 443—463, special 443—491, postponement of,

Proceedings—concl'd.

when accused is of unsound mind; resumption of inquiry or trial 464, p. 2, 467, in case of certain offences affecting administration of justice 476—487.

Proceedings of civil or revenue court inquiring into contempt cases, &c., 478, p. 2, stay of, pending return of commission 508, irregular 529—538, of lower court, call for, by magistrate not empowered, void 530, (g), furnishing copies of 548, power to make rules for regulating 553 (c).

Proceeds of sale of attached property, payment of, to absconder 89, of sale of property seized by police, treatment of 525.

Process, postponement of issue of, on complaint 202, p. 1, for appearance, when to issue 204, p. 1, for production of further evidence on inquiry 208, p. 2, for production of further evidence in summons-case 244, p. 2, for production of further evidence in warrant-case 287, p. 1, for compelling appearance of European British subject 445, prov., for apprehension of person offending in other jurisdiction 529 (d).

Processes to compel appearance—to compel summons 68—74, to compel warrant of arrest 75—86, to compel proclamation and attachment 87—89, to compel other rules regarding 90—93, to compel production of documents and other moveable property, and for discovery of persons wrongfully confined 94—105.

Proclaimed offender, duty to give information regarding resort of 45 (b), power to arrest 54, *thirdly*, 59, 78, attachment of property of, 88.

Proclamation and attachment 87—93, for absconder 87, pp. 1, 2, 3; 88, p. 6; 89, of order for removal of nuisance 134, p. 2, for owner of property seized by police 524, p. 2, requiring appearance of accused, form of sch. v, form iv, requiring

Proclamation—*concl.*

attendance of witness, form of sch. v, form v.

Proclamations under former acts, saved 2, p. 2.

Production of documents and other moveable property, processes to compel 94—105, of person, power to direct 491 (a), (c), (d), of property seized 523, p. 1.

Prohibition of delivery of property or rent to absconder 88 (c), (g), against keeping noxious goods or merchandize 133, p. of repetition or continuance of nuisance 143.

Promise to induce confession, not to be made 163, p. 1.

Promises to accused to induce or prevent disclosure, not to be made 343.

Proof of previous conviction or acquittal 511, of forfeiture of bond 514, p. 1.

Property stolen, power to arrest persons possessing 54, *fourthly*, stolen, arrest of reputed habitual receivers of 55 (c), of absconder, attachment, disposal and restoration of 88, 89, moveable, processes to compel production of 94—105, moveable, distress and sale of, for recovering costs of removing nuisance 140, p. 2, removed by magistrate's order, sale of, for recovery of costs 140, p. 2, requiring person in urgent nuisance case to take order with 144, p. 1, immoveable, disputes as to 145—148, stolen, assisting in concealment or disposal of, when triable summarily 263, (f), value of, when to be entered in record of summary trial, 263 (f), possession of, to be regarded in preparing list of, special jurors 313, p. 2, of jurors and assessors, attachment and sale of, 332, p. 2, trial of persons previously convicted of offences against, 343, moveable, procedure against, on forfeiture of bond 514—516, regarding which offence committed, disposal of, 517—525, seized by police, procedure where no claimant appears 524, 529, (h), power to sell, when perishable, or when sale would

Property—*concl.*

benefit owner 525, 529, (h), proceedings relating to, which are not void or are void when ordered by magistrate not empowered 529, (h), 530, (c).

Property-mark, charge of using false 221, ill. (c).

Propriety of order for removal of nuisance 135, 137, p. 2; 139, p. 1.

Prosecution of judges and public servants 197, evidence in support of, 208, 244, 252, and defence trial to close of cases for, 286—296, opening case for, 286, procedure after examination of witnesses for, 289, defence may comment on evidence for, 290, summing-up evidence for, in charge to jury 297, power of advocate general to stay, 333, to be conducted by public prosecutor, although pleader privately instructed 493, withdrawal of public prosecutor from, 494, permission to conduct, when necessary 495, p. 1, conduct of, personally or by pleader 495, p. 2, power to order payment of expenses of, out fine 545, (a), form of bond to institute sch. v, form xxvi.

Prosecutions for acts done for suppression of unlawful assemblies, protection against, 132, proceedings in, 177—403.

Prosecutor. objection to jurors by, 277, p. 2, how to open case 286, p. 1, when to examine his witnesses 286, p. 2, to tender examination of, accused 287, summing-up case by, 289, p. 2, right of reply by, 292, charge to jury on conclusion of reply by, 297, payment by accused of cost of, when case transferred 526, p. 4.

"Province," definition of 4 (g), to be sessions division or to consist of sessions divisions 7, p. 1.

Provisions general, as to aid and information, &c., 42—105, as to searching places, applied 67, as to processes, applied 93, general, relating to searches, 101—103, as to entry by force, applied 102, p. 2, for service of summons, applied 134, p.

Provisions—concl'd.

as to place of inquiry or trial, power of investigation subject to, 156, p. 1, for recording examination of accused, applied to confessions 164, p. 2, of code as to search-warrants applied 164, p. 4, of letters patent granted under 24 & 25 Vic., cap. 104, saving of 194, p. 2, special, regarding trials before high courts 333—336, general, as to inquiries and trials 337—352, supplementary 492—558, as to bonds 513—516.

Public, when to assist magistrates and police 42, to give information of offences 44, fencing tank, well or excavation to prevent danger to 133, p. 1, removal of obstruction or nuisance from way or river used by, 133, p. 1, prevention of danger to, in, nuisance cases, pending inquiry 142, pp. 1, 2, when order in nuisance case may be directed to 144, p. 3, access of, to courts: power to exclude 352.

Publication of proclamation for removal of nuisance 134, p. 2, of lists of jurors and assessors 314, 322, of rules framed by high court 553 p. 2.

Public justice, sanction to prosecutions for offences against 195, p. 1 (b).

"Public place" defined 133, *exp.*

"Public prosecutor," definition of 4 (m), trials to be conducted by 270, notice and copy of grounds of appeal to be given to 422, hearing of, on appeal 423, appointment of, by government or district or sub-divisional magistrate 492, may plead in all courts pleaders to be under direction of, 493, Withdrawal of, from prosecution 494, may conduct prosecution without permission 495, p. 1, notice to, of application or transfer 526, p. 1.

Public servants, sanction to prosecutions for contempts of lawful authority of, 195, p. 1, (a), cognizance of offences against 197, p. 1, government may determine manner, &c., of prosecution of 197, p. 2, high court may not transfer case against 526, p. 6, disobeying direction of law with intent to cause

Public—concl'd,
injury, form of charge sch. v, form xxviii.

Punishment, previous conviction to be mentioned when intended to affect 221, p. 7, procedure when magistrate cannot inflict adequate: magistrate receiving case not to exceed his powers in awarding 349, to be stated in judgment 367, p. 2, of death, judgment to state why, when awardable, it was not awarded 367, p. 5, upon former or subsequent conviction, escaped convicts or offenders already sentenced not to be excused from 398, remission of, on submission or apology 484.

Punishments, power to award combination of 34 p. 1, on simultaneous conviction of several offences 35, suspension and remission of 401, commutation of 402, combination of 415. & *exp.*

Pursuit of offenders into other jurisdictions 58, of persons escaped or rescued from custody, provisions applied to 66, 67, direction to land-holders, &c., of warrants for arrest of persons eluding 78.

Putrefaction, sending corpse for examination, when no risk of 174, p. 3.

Quashing commitments to court of session or high court 215, conviction in consequence of absence of, or error in charge 232, p. 2, irregular commitment 532, p. 2.

Question, as to whether confession is made voluntarily 164, p. 3.

Questions which witness is bound, and which he may refuse, to answer 161, p. 2, to be decided by judge 298, p. 1 (a), asked by, or on behalf of, parties 298, p. 1 (a), for judge or for jury 298, p. 1 (d), of fact or mixed law and fact 298, p. 2, of fact 299 (c), which may be put to jury and to be recorded 303, to accused 342, pp. 1, 2, 3, which may be recorded 359, 362, p. 2, to accused which are to be recorded in full 364, p. 1, of law of unusual difficulty 526 (b).

Railway, public to assist in preventing injury to 42 (b).

Railway company, service of summons on servant of 72, when servant of, may be excused attendance as juror or assessor 329.

Railway laws, offences against, may be inquired into and tried in presidency-towns 184.

"Reasonable cause" for remand, what is 344, exp.

Reasons to be recorded for issue of warrant in lieu of summons 90, to be recorded for rejecting sureties offered 122, to be recorded for cancelling bond for keeping peace 125, to be recorded for detention in police custody, and to be reported 167, to be recorded prior to postponement of issue of process on complaint 202, p. 1, to be recorded for refusing process for production of further evidence 208, p. 2, need not be recorded for refusing succ process 208, p. 3, to be recorded for discharging accused at early stage of inquiry 209, p. 2, to be recorded for committing to court of session or high court 213, to be recorded for refusal to send witnesses to court of session on application of accused 216, prov. 2, to be recorded for stopping proceedings in cases instituted without complaint 249, to be recorded for discharging accused before taking evidence or examining him 253, p. 2, to be recorded for refusing process for further evidence for defence 257, p. 1, for conviction, brief statement of, in record of summary trial 263 (h), to be recorded for submitting jury's verdict to high court 307, p. 1, to be recorded for tendering pardon 337, p. 4, to be stated for postponing proceedings 344, p. 1, to be recorded when magistrate or judge cannot himself prepare memorandum of substance of evidence 355, p. 3, 356, p. 4, to be recorded when magistrate or judge cannot himself take down evidence with his own hand 357, p. 5, to be recorded when magistrate or judge

Reasons—*concl'd.*

cannot himself make memorandum of accused's examination 364, p. 3, for decision, judgment to contain 367, p. 1, for not passing sentence of death, to be stated in judgment 367, p. 5, for conviction by presidency magistrate 370 (i), to be recorded for suspending sentence pending appeal 426, p. 1, to be recorded for action on refusal to answer or to produce document 485, to be stated for applying for commission 506.

Recall of prosecution witnesses by accused 256, p. 1, of witnesses by magistrate receiving case from one who could not pass sufficient sentence 349, p. 2, of cases by district or sub-divisional magistrate 528, p. 1, of witness at any stage of proceedings, 540.

Receipt for summons 69, p. 2, 70—72, for warrant 78, p. 2.

Receiver, appointment of, for attachment of absconder's moveable or immoveable property 88 (b), (f), powers, duties and liabilities of 88, 5, of stolen property, habitual, order on, to show cause against security for good behaviour 110.

Receivers of stolen property, duty to report residence of 45 (a), of stolen property, reputed habitual, arrest of 55 (c).

Receiving stolen property, when triable summarily 200 (e), stolen property, and assisting in concealing it, joinder of charges 235, ill. (j), stolen property, charge of, in case of doubt as to offence committed 236, ill., stolen property, payment to innocent purchaser of money found on person convicted of 519.

Recognizance for appearance 76 deposit in lieu of 513.

Record of substance of information on which person required to show cause 114, prov., entry on, when necessity to require security not proved 119, of instructions of

Record—concl'd.

superior officer of police on report of suspected cognizable offence 158, p. 2, of statements, confessions and evidence before inquiry or trial 164, of inquiry with translation to be forwarded on commitment to higher court 218, of admission of accused 243, of plea in warrant-cases 255, p. 2, written statement of accused to be filed with 256, p. 2, in summary trials where no appeal lies 263, in summary trials where appeal lies 264, in summary trials language of 265, p. 1, in summary trials by benches 265, p. 2, of plea in trials before high courts and courts of session 271, p. 2, of decision of objections to jurors 279, p. 1, of questions to jury to ascertain verdict 303, p. 2, of assessor's opinions 309, p. 1, when magistrate cannot pass sufficient sentence 349, p. 1, of evidence in mufassal 354, 357, memorandum of substance of evidence to form part of, 356, pp. 2, 3; 356, p. 3, translation of evidence when to form part of 356, p. 2, of evidence in presidency magistrate's courts 362, of examination of accused 364, of heads of charge to jury 367, prov., discretion of appellate court as to calling for 421, p. 2, appellate court when to call for 423, of original court, to be amended according to decision on appeal 425, p. 2, to be amended according to order in revision 442, on sessions judge finding his powers inadequate in trial of European British subject 449, to be sent on commitment by civil or revenue court 479, in cases of contempt 481, 482, p. 1, commission, return thereto and depositions to form part of 507.

Record of evidence in absence of accused 512, of grounds of proof that bond has been forfeited 514, p. 1.

Recorder of Rangoon, a high court as regards proceedings against European British subjects 4 (1), a justice of the peace by virtue of his office

Recorder of Rangoon—concl'd.

25, to decide place of trial of European British subjects in cases of doubt 185, p. 2, case of European British subject to be reported to, when sessions judge is not a European British subject 450, p. 2, may try contempts, &c., when committed before himself 487, p. 1.

Recording evidence, mode of taking and 353—365.

Records of inferior courts, calling for, and examining 435—442, of subordinate courts, power to make rules for inspection of 553, p. 1

Recovery of costs of removing nuisance 140, p. 2, of costs in case of dispute regarding immoveable property 148, p. 3, of compensation for frivolous complaints 250, p. 2, of penalty of bond 514, pp. 2, 3; 516.

Recusant complainant or witness may be forwarded to magistrate in custody 171, prov.

Reduction of bail, power to direct 498.

Re-examination of complainant on transfer of case, not necessary 200, prov. (c), of defence witnesses 290, of juror or assessor acquainted with relevant fact 294, of witnesses by parties, when commission issued 505, p. 2, of witness at any stage of proceedings 540.

Reference and revision, orders on appeal, under provisions relating to, not final 430, and revision, provisions relating to 432—442, by presidency magistrate to high court 432, 433, by judge of high court to bench 434, by district or subdivisional magistrate 528, p. 1.

Referring complainant in non-cognizable case to magistrate 155, p. 1, case to subordinate magistrate 346, p. 2.

Refining of salt and saltpetre, see *Manufacture.*

Reformatories, confinement of youthful offenders in 399.

Refusal to give name and residence 57, to accept sureties offered 122, of sanction to prosecution for contempt of lawful authority of public servants 195, p. 4, to summon unnecessary witnesses for defence 218, prov. 2, to attend at court, or to execute bond, detention of complainants and witnesses on 317, p. 2, of accused to plead 256, p. 1, 272, of process for further evidence for defence 257, p. 1, of accused to answer 342, p. 2, of witness to answer questions or to produce document 485, to maintain wife or child 488, p. 1, of wife to live with husband 488, prov., & p. 4, to answer, form of commitment for sch. v, form xxxix.

Registrar or sub-registrar under registration act, 1877, when deemed a civil court 483, or sub-registrar under registration act, 1877, appeals from convictions by, in contempt cases, to whom to file 486, p. 4.

Regulation iii of 1818 } provisions as
(Bengal) } to *habeas*
ii of 1819 } *corpus* not
(Madras) } to affect
491, p. 3, xx of 1826 (Bengal), repeal of so much as had not been repealed 2, p. 1, & sch. i, xxv of 1827 (Bombay), provisions as to *habeas corpus* not to affect 491, p. 3.

Regulation iii of 1872 } repealed; so
ix of 1874 } far as they
ii of 1877 } relate to
certain enactments 2, p. 1 & sch. i.

Rehearing of witnesses, when accused may demand 359, prov. (a), on detention of offender attending court 351, p. 2.

Rejection of sureties offered 122, of appeal summarily 421, of subordinate magistrate's application for commission 506.

Relative delivery of lunatic to care of 475.

Release of committer of non-cognisable offence, on his true name and residence being ascertained 57, of persons arrested on giving security for appearance 76, p. 1, of prisoner

Released—*conclid.*

on proof that security is not required 119, of person imprisoned for not giving security 124, of accused, on completion of investigation 169, of accused, when no complainant 243, of prisoner, pending appeal 426, of accused, pending decision of reference by presidency magistrate to high court 432, of accused, by revising court 438, of lunatic, pending investigation or trial 466, p. 1, on bail, of person accused of bailable offence 496, of lands attached for state reasons 497, on bail or on his own bond, of person accused of non-bailable offence 497, of accused on giving bond for appearance 500.

Relevancy of interrogatories to be decided by court 508.

Religion, exemption from service as jurors or assessors of persons officiating as priests and ministers of 320 (f).

Religious feelings, uttering words, &c., with deliberate intent to wound, compoundable 345.

Remand of accused to custody 307, p. 2, 344.

Remarks on witness's denial of correctness of evidence 360, p. 2, on demeanour of witness under examination 368.

Remission of sentence when whipping precluded by offender's ill-health 395, of punishment for contempt on submission or apology 484, of portion of penalty of bond 514, p. 5.

Remissions, suspensions and commutations of sentences 401, 402.

Removal and suspension of officers 26, 27, to issuing court, of person apprehended outside jurisdiction 86, of nuisance, conditional order for 133, p. 1, of property by magistrate's order, sale for recovery of costs of 140, p. 2, of public land or other mark 152, of prisoner from one custody to another 491 (e).

Rent order prohibiting payment of, to absconder 88, p. 3 (c).

Repairing building, conditional order for 133, p. 1.

Repetition of nuisance, prohibition of 142.

Reply, prosecutor's right of 292, by prosecutor, charge to jury to be given on conclusion of 297.

Report of police officer not included in Complaint 4, (a), of apprehensions by police 62, of police officer apprehending breach of peace, substance of, to be recorded 114, prov., in view to release of person imprisoned for not giving security 124, p. 2, of obstruction, nuisance, &c. 133, p. 1, after inquiry into dispute concerning land, &c., receivable as evidence 148, p. 2, of suspected cognizable offence and procedure thereupon 157—159, on completion of police-investigation 173, of investigation into sudden or unnatural death 174, of such investigation in Madras and Bombay 174, p. 4, or complaint, date of, to be recorded 263, (c), when accused has not understood proceedings 341, to accompany case submitted by mufassal magistrate to higher authority 346, p. 1, to high court on revision of proceedings 438, by committing magistrate when sessions judge is not an European British subject 450, to local government when accused is of unsound mind 466, p. 2, to local government on acquittal on ground of lunacy 471, p. 1, special, as to mental condition of lunatic prisoner 472, by commission of inquiry in lunacy cases 474, p. 2, of chemical examiner, may be used as evidence 510, on seizure of property 523, p. 1.

Reprieves, saving of queen's right to grant 401, p. 4.

Rescinding orders in urgent nuisance cases 144, p. 4.

Rescue from custody, power to pursue and retake on 66, from custody; provisions applied to 67, and grievous hurt; joinder of charges of 285, ill (a).

Reservation of questions arising in original jurisdiction of high court 424.

Residence of notorious receivers or vendors of stolen property, duty to report 45, (a), refusal by offender to state place of 57, of person summoned, fixing duplicate of summons on 71, of person summoned, sending summons for service at; in other jurisdiction 73, of absconder, reading, and affixing in of, proclamation requiring appearance 87, p. 2 (a), (b), of accused, recording of 263 (a), 370 (d).

Residue of attached property, delivery of, to absconder, when part has been sold 89.

Resort of thug, robber, escaped convict or proclaimed offender, duty to give information regarding 45 (b).

Respite, saving of queen's right to grant 401, p. 4.

Restoration of attached property 69, of attached property appeal from order rejecting application for 445, of possession of immovable property 522, p. 1, of abducted females 551.

Restraint unnecessary, prohibited 50¹ 171, (2).

Re-summoning witnesses by succeeding magistrate discretionary unless demanded by accused 350, p. 1, prov. (a).

Resumption of inquiry or trial postponed on account of accused's unsoundness of mind 467.

Retaining, see Goods, stolen property, when triable summarily 260, (e).

Retaking, arrest and escape, provisions relating to 46—67, person escaped or rescued from custody 66, provisions applied to 67.

Retention of land, &c., the subject of dispute, until eviction 145, p. 3.

Retirement of jury to consider verdict 300, p. 1, for further consideration 302.

Retrial after discharge of jury 308, previous acquittal or conviction 403, court hearing appeal against acquittal or conviction may order 423, (a), (b).

Return to commission open to inspection; may be read in evidence; to form part of record 507, to commission stay of inquiry or trial pending 508.

Returns, power to make rules for subordinate courts in reference to preparation and transmission of 553, (a).

Revenue, duty of officers collecting, to report matters 45, attaching absconder's land paying 88, p. 4, exemption from service as jurors or assessors of persons collecting 320, (e).

Revenue court, procedure by, in cases of contempt, &c., 476, p. 1, power of, to complete investigation and commit in such cases 478, power of, in such investigation 478, commitment by; procedure 479, may take cognizance of certain cases of contempt 480.

Review of judgments not allowed to other than high courts 369, by high court judges, of case submitted by other judge 434, p. 2.

Revision highest court of, when a high court 4, (i), of list of jurors and assessors 324, pp. 1—4, of list of jurors and assessors exemptions not claimed waived until next 324, p. 5, of list of jurors and assessors to be made annually 325, of sentence when whipping precluded by offender's ill-health 395, and reference, provisions relating to 432—442, high courts' powers of 439, hearing of parties optional with court of 440, high court's order in, to be certified 442, by district magistrate, of orders on forfeiture of bonds 515, court of, may direct order for disposal of property to be stayed 520, by magistrate not empowered, of such orders void 530, (o), of list of jurors or assessors, finding or sentence not reversible by reason of omission of 537.

Revocation of sanction of prosecutions for contempts of lawful authority of public servants, &c., power of 195, p. 4, of order directing trials before court of session to be by jury, power of 269, p. 1.

Right of possession of land, &c., the subject of dispute, to be decided without reference to merits of claims to 145, p. 2, to do or prevent the doing of thing upon land, &c., procedure in reference to dispute as to 147, of accused as to examining and summoning witnesses not named at first 291, of reply of prosecutor 292, of accused to be defended 340, of queen to grant pardons, &c., saving of 401, p. 1.

Rights of parties to land, &c., the subject of dispute, attachment, pending determination of 146.

Rigorous imprisonment, discretion as to awarding, on failure to give security for good behaviour 123, p. 5, deemed severer than sentence of simple imprisonment 396, (c), commutation of sentence of 402.

Riot, public to assist in suppression of 42, (c), order in urgent nuisance cases in view to prevention of, 144 p. 1, power to prolong currency of order in case of 144, p. 5.

Rioting, security for keeping peace on conviction of 106, p. 1, grievous hurt and assaulting public servant, joinder of charges of 235, ill. (g).

Rivers leading to presidency-towns, presidency magistrates to exercise jurisdiction within limits of 19, used by public, conditional order for removal of obstruction or nuisance from 133, p. 1.

Robbers, duty to give information regarding resort of 45, (b), reputed habitual, arrest of 55, (c), habitual, issue of order to, to show cause against security for good behaviour 110.

Robbery and hurt, joinder of charges of 235, ill. (m), and murder, charge of, 239 ill. (b), form of charge of, sch. v, form xxviii.

Rules made under former acts, saved 2, p. 2, for guidance of benches, framing of 16, for distribution of business among benches and assistant sessions judges, framing of 17, by chief magistrate, presidency magistrates may sit as a bench

Rules—concl'd.

subject to, 18, p. 2, conferring powers on senior or chief magistrates, chief magistrates at presidency towns to exercise powers given under, 21, for guidance of presidency magistrates, chief magistrate may frame 21, of high court, as to signing of summons 68, p. 1, by local government, service of summons by officer of court under 68, p. 2, miscellaneous, regarding processes to compel appearance 90—93, as to publication of proclamation of order for removal of nuisance 134, p. 2, by local government, police to inquire into sudden or unnatural deaths unless otherwise directed by, 174, p. 1, by local government, police to be guided by, in forwarding corpse for examination 174, p. 3, for locking-up jury, making and observance of 296, by high court, lists of jurors to be prepared in accordance with 313, pp. 1, 5, as to list of jurors and assessors for court of session, to apply to annually revised list 325, p. 2, general, judges of chartered high courts and chief court of Panjáb to record evidence in manner prescribed by 365, regarding execution of sentences on escaped convicts 396, as to discipline and training in reformatories 399, applied to judgments of appellate courts 424, of procedure in reference to directions of nature of *habeas corpus*, framing of 491, p. 2, of evidence, special 509—512, as to payment of expenses of complainant and witnesses 544, as to trial of military offenders by court-martial or civil court 549, power of high courts to make; not to be inconsistent with code or other law; to be published 553.

Sale of absconder's attached property restrictions as to 88, p. 6, of attached property, payment to absconder of nett proceeds of 89, of stolen property, forged documents, &c., search of place used for 98, of property in view to

Sale—concl'd.

recovering costs of removing nuisance 140, p. 2, of property put up by authority of public servant, charge of obstructing 221, ill. (d), after attachment, of moveable property of jurors and assessors 332, p. 2, of moveable property for recovery of fine, issue of warrant for 386, of moveable property beyond jurisdiction, recovery of fine by 357, of property seized by police, when no claimant appears 524, p. 1, of property seized by police, when perishable, or when sale would benefit owner: treatment of proceeds 525, of property ordered by magistrate not empowered, proceedings not vitiated 529, (h), of property ordered by magistrate not empowered, when void 530, (a).

Sanction required to alteration of number of sessions divisions or of districts 7, p. 2, required to delegation of authority to appoint special magistrates 14, p. 3, required to framing of rules for guidance of presidency magistrates 21, required to prosecutions for acts done under chapter ix 132, (a), required to cognizance of, and prosecutions for, certain offences 195, required to cognizance of offences charged against judges and public servants 197, p. 1, stay of proceedings on alteration of charge, if prosecution of offence in altered charge require 230, to prosecution of person to whom pardon has been tendered 339, p. 3, finding, sentence or order when reversible by reason of want of 537, to rules for payment of expenses of complainant and witnesses 544, to rules by high courts for inspection of records of subordinate courts and other purposes 553.

Schedule, definition of, 4 (v).

Sealing of summons 68, p. 1, of warrant 75, p. 1.

Seals false, search of place suspected to contain 98, counterfeit, joinder of charges in respect of possessing, &c., 235, ill. (d).

Search of place to effect arrest, procedure where ingress not obtainable for 47, 48, of arrested persons 51, by postal department for document in its custody, on requisition of certain officers 95, p. 2, occupant of place searched to be permitted to attend during 103, p. 3, in his presence, power of magistrate to direct 105, by police for false weights or measures 153, p. 1, by or under orders of police-officer 165, pp. 1, 2, 3.

Searches, general provisions relating to 101—103.

Searching of women, how made 52.

Search warrant, for inspection of place suspected to contain stolen property, forged documents, &c., issue of 98, disposal of things found beyond jurisdiction in execution of 99, for discovery of persons wrongfully confined 100, power to require officer in charge of another police-station to issue 166, p. 1, procedure by officer in charge of police-station requested by officer in charge of other station to issue 166, p. 2, issued by magistrate not empowered, proceedings under, not vitiated 529, (a), for letter or telegram, issued by magistrate not empowered, proceedings under, void 530, (b), issued after information of particular offence, form of sch. v, from viii, as to suspected place of deposit, form of sch. v, form ix.

Search-warrants, provisions relating to 96—99, when issuable 96, power to restrict 97, issued under sections 96, 98 and 100, provisions applied to all 101, persons in charge of closed place to allow search by holders of 102, p. 1, procedure when ingress into closed place refused to holders of 102, p. 2, search under, how conducted, 103, pp. 1, 2, provisions of code as to, to apply to searches made by, or under orders of, a police-officer, 165, p. 4.

Security for appearance of person arrested under warrant 76, for appearance of person arrested under

Security—*contd.*

warrant by landholders, &c., 78, p. 3, for appearance of person arrested under warrant, speedy arraignment before court, in absence of 81, for appearance of person arrested under warrant in another jurisdiction 85, for appearance of person arrested under warrant outside jurisdiction, who may take 86, for keeping peace and for good behaviour 106—126, for keeping peace on conviction 106, for keeping peace in other cases 107—119, for good behaviour 107—119, for good behaviour of vagrants and suspected persons 109, for good behaviour of notorious offenders 110, for keeping peace or for good behaviour, inquiry as to truth of information in case of order for 117, p. 2, for keeping peace or for good behaviour passing order for 118, for keeping peace or for good behaviour limit to 118, prov. 1, proceedings in all cases subsequent to order to furnish 120—126, under section 106 or 118, commencement of currency of 120, under section 106 or 118, procedure on disobedience to order for 123, pp. 1, 2, 3, for keeping peace or for good behaviour, imprisonment awardable on failure to give 123, pp. 4, 5, release of person imprisoned for failure to give 124, p. 1, report in view to release of such person 124, p. 2, fresh, on discharge of surety 126, p. 3, for appearance of accused, taking of, on completion of investigation 170, p. 1, other than his own bond, no complainant or witness to be required to give, 171, (3), for good behaviour, appeal from order requiring 406, for keeping peace, no appeal in petty cases or from summary convictions when punishment combined with order for 415, for lunatic accused, pending inquiry or trial 466, by relative or friend of lunatic accused, either before or after trial 471, p. 1, for appearance of accused, in cases of contempt, &c., 476, p. 1, 482, p. 1, required by magistrate

Security—*concl'd.*

not empowered void 530, (c), (d), form of warrant of commitment on failure to find sch. v, forms xiii, xiv, forms of warrant to discharge person imprisoned on failure to give sch. v, forms v & xliii.

Seizure, of absconder's moveable property 88, (a), of false weights and measures 153, p. 2, property connected with offence when dealt with as in case of 518, of property taken from arrested person or stolen, procedure in case of 523.

Sentence in case of conviction of several offences at one trial 35, of imprisonment, period for security to commence on expiration of 120, p. 1, in summons-cases 245, p. 2, in warrant-cases 258, p. 2, or other final order to be entered in record of summary trial 263, (i), record in summary trials where there is appeal to be made before passing 264, p. 1, on conclusion of jury trials before court of session 306, p. 2, by high court dealing with ease in which sessions judge has disagreed with verdict of jury 307, p. 3, on conclusion of trials with assessors 309, p. 3, of sufficient severity, procedure when magistrate cannot pass 349, high court may confirm, or pass new 376, (a), procedure on submission of, to sessions judge for confirmation 380, who may issue warrant for execution of 389, on offender already sentenced for other offence, commencement of 397, return of warrant to court on execution of 400, appeal from conviction on accused's own plea, limited to extent or legality of 412, court hearing appeal against acquittal may find accused guilty and may pass 423, (a), appellate court may reverse, reduce or alter nature of, or maintain it while altering finding 423, (b), alteration of, by high court judges reviewing case submitted by other judge 434, p. 2, validity of, when person not an European British subject is dealt with as such 455, in certain cases of con-

Sentence—*concl'd.*

tempt 480, 481, p. 1, in contempt case, appellate court may alter, 486, p. 2, passed by magistrate not empowered, on proceedings recorded by other magistrate 530, (i), passed on proceedings in wrong place, when set aside 531, when no charge framed, when invalid 535, p. 1, when reversible by reason of error, omission or irregularity in charge or proceedings 537.

Sentences passed under former acts, saved 2, p. 2, which may be passed by courts of various classes 31—35, which high courts may pass 31, p. 1, which sessions, additional sessions and joint sessions judges may pass 31, p. 2, of death passed by sessions, additional sessions or joint sessions judges, confirmation of 81, p. 2, which assistant sessions judges may not pass 31, p. 3, subject to confirmation by sessions judge 31, p. 3, which different courts of magistrates may pass 32, combined, which courts of magistrates may pass 32, p. 2, award of imprisonment in default of payment of fine as part of, or in addition to, substantive, 33, prov., which may be passed by courts of district magistrates specially empowered 34, p. 1, by courts of district magistrates specially empowered, subject to confirmation by sessions judge 34, p. 2, to be considered as one for purpose of recording evidence in presidency magistrates' courts 362, p. 3, of fine only, judgment in case of, may be pronounced in presence of accused's pleader 366, of death, direction to be given in case of 368, p. 1, of transportation not to specify place of transportation 368, p. 2, and finding of court of session, copy of, to be sent to district magistrate 373, submission of, for confirmation 374—380, on escaped convicts, execution of 396, suspensions, remissions and commutations of 401, 402, which may be passed on European British subjects by mufassal magistrates

Sentences—*concl.*

446, by court of session, procedure when judge finds his powers inadequate 449.

Servant, summons in presidency-town may be left with 70, of government or railway, service of summons upon 72.

Service of summons, issue of warrant on non-appearance after proof of, 90, of summons, provisions generally applicable to 93, of summons, issued under section 114, copy of order under section 112 to be delivered on 115, of order for removal of nuisance 134, p. 1, in urgent cases 144, p. 1, of notice in due time being impracticable, order in urgent cases of nuisance may be passed *ex parte* 144, p. 2.

Sessions divisions, provinces to be, or to consist of 7, p. 1, to be, or to consist of districts 7, p. 1, alterations in constitution of 7, p. 2, present, maintained 7, p. 3, establishment of courts of session for 9, p. 1, power to order cases to be tried in different, 178.

Sessions judge, sentence to be confirmed by 34, p. 2, and collector or other officer to make out list of jurors and assessors 321, p. 1, and collector or other officer to hear objections to, and to revise, such list 324 pp. 1—4, to inform persons sentenced to death of period allowed for appeal 371, p. 3, procedure by, on submission of sentence for confirmation 380, appeals to, by whom to be heard 409, appeal from sentence of 410, not to have jurisdiction over European British subjects, unless he is one himself 444, not being an European British subject, procedure by committing magistrate in case of, 450.

Sessions judges, appointment of 9, p. 1, subordination of assistant sessions judges to 17, p. 2, may frame rules as to distribution of business among assistant sessions judges 17, p. 2, non-subordination of magistrates to 17, p. 3, may pass any sentence authorized by law, 31, p. 2, confirmation required to sen-

Sessions judges—*concl.*

tences of death passed by 31, p. 2, what sentences of assistant sessions judges to be confirmed by 31, p. 3.

Setting aside order for removal of nuisance, motion for 133, p. 1.

Sheriff's return of *cepi corpus*, power to direct that body of defendant be brought in on 491 (f).

Showing cause against order to furnish security 107, 109, 110, 113, 116, against order for removal of nuisance 135—137, against conviction, 242, 243, against commitment 436, prov. (a), payment of penalty of bond 514, p. 1—4.

Signature of summons 68, p. 1, of receipt of summons 69, p. 2, by member of summoned person's family, of receipt for summons 70, of receipt for summons, procedure when not obtainable 71, of warrant 75, p. 1, by witness, of list of things found under search-warrant 103, p. 2, of information concerning commission of cognizable offence 154, not required to statements made by witnesses to police 162, to confessions before enquiry or trial 164 p. 2, by police officer and witnesses, of report on sudden or unnatural death 174, p. 2, of complainant's examination, by himself and by magistrate 200, of record or judgment in summary trials held by benches when prepared by clerk 265, p. 2, of revised list of jurors and assessors 324, p. 3, of orders postponing or adjourning proceedings 344, p. 2, of record of evidence in mufassal 355, pp. 2, 3, 356, pp. 1, 3; 357, p. 2, by presidency magistrate 362, p. 1, of accused's examination 364, p. 2, of magistrate's or judge's memorandum of accused's examination 364, p. 3, of judgment 367, p. 1, of new sentence or order passed by high court in place of sentence submitted for confirmation 377, of copy of high court's confirmation-order 379.

Simple Imprisonment, only awardable on failure to give security 123, p. 4, or rigorous, awardable at discretion, on failure to give security for

Simple—concl'd.

good behaviour 123, p. 5, sentence of rigorous imprisonment to be deemed, severer than one of 396, *exp.*, (c), commutation of sentence to one of 402.

Sittings of high court, time of holding, 334, of high court, place of holding, 335, pp. 1, 2, of high court, notice of, 335, p. 3.

Soldiers, protection of, against prosecution for acts done under provisions relating to unlawful assemblies 132, (1).

Solitary confinement power to award, 32, (a), (b); 34, p. 1, comparative severity of sentences, with or without, and other sentences 396, *exp.*, (b), (c).

Special jurors when summoned 315, p. 2.

Special proceedings 443—491.

Special provisions regarding trials before high courts 333—336.

Special rules of evidence 509—512.

Stage at which court was interrupted or insulted, to be recorded 481, p. 2.

Stamps, counterfeit, search of place suspected to contain, 98, trial of persons previously convicted of certain offences relating to, 348.

Standing counsel may conduct prosecution without obtaining special permission 495, p. 1.

State cognizance of offences against, how taken 196.

Statement by court as to publication of proclamation requiring appearance of absconder 87, p. 1, of material facts, order for removal of nuisance in urgent cases, to contain, 144, p. 1, of grounds for proceeding, order requiring appearance of parties to dispute concerning land, &c. to contain, 145, p. 1, of reasons when no local investigation into suspected cognizable offence is made 157, p. 2, of offence to be delivered to military authorities when offender is handed over for trial by court-martial 549, p. 1.

Statements of claims to possession by parties to dispute concerning land, &c. 145, of witnesses at police investigation, record of 161, p. 1, not to be signed nor admitted in evidence 162, voluntary, during police investigation, not to be prevented 163, p. 2, made before in quiry or trial, record of 164, made by person under pardon, may be used as evidence against him 339, p. 2, by offender. record of, in cases of contempt 481, p. 1; 482, p. 1, of accused persons recorded under section 164 or 364 and produced in evidence 533, power to make rules for subordinate courts in reference to preparation and transmission of 553, (a).

Stations and cantonments occupied by Madras and Bombay troops, military bazars at 1, p. 2. (b).

Statute 13 Geo. iii, c. 63, s. 38, repealed 2. p. 1, sch. 1, 24 & 25 Vic., c. 104, s. 15, directions for trial in different sessions division not to be repugnant to direction under 178, *prov.*, 24 & 25 Vic., c. 104, s. 15, saving of provisions of letters patent granted under 194, p. 2, 24 & 25 Vic., c. 104, s. 15, high court means high court established under 266, 24 & 25 Vic., c. 104, s. 15, saving of, in reference to forms in schedule v 554, 39 & 40 Vic., c. 46, s. 3, saving of high courts' power to issue commissions under 504, p. 2.

Stay of inquiry into or trial of remaining charges, on conviction of one of several 240, of execution of whipping owing to convict's ill-health 394, p. 2, of order for disposal of property 520.

Stealing, offence of, where triable 181, p. 3.

Stoppage of construction of building or of disposal of substance conditional order for 133, p. 1.

Sub-division definition of 4, (f.) power to place magistrate in, and to relieve him of charge of 13, p. 1, subordination to sub-divisional

Sub-division—concl'd.

magistrate of benches exercising powers in 17, p. 2.

Sub-divisional magistrate expression corresponding with, in former acts 3, p. 2, who is a. 13, p. 2 subordination of certain magistrates to 17, p. 2. ordinary powers of 36 additional powers of 37, report of apprehensions to 62, may direct warrant to land-holders, &c. 78, authorization by, of search of place suspected to contain stolen property, forged documents, &c. 98. may issue search-warrant for discovery of persons wrongfully confined 100, power of court of, to require security for keeping peace 106, power of to issue order to show cause against security for keeping peace before conviction 107. Power of, to issue order to vagrants and suspected persons to show cause against security for good behaviour 109 power of, to issue order to habitual offender to show cause against such security 110 discharge by, of sureties to bond for peaceable conduct or for good behaviour 126 power of to order removal of nuisance 133, p. 1, such orders by not to be called in question by civil courts 133, p. 2, power of, to prohibit repetition or continuance of nuisance 143, power of, to issue order absolute at once in urgent cases of nuisance 144, procedure by, on receipt of information as to dispute concerning land, &c., which is likely to cause breach of peace 145, attachment by of land, &c., occasioning dispute 146, procedure by, in reference to disputes concerning easements, &c., 147 power of, to order local inquiry into disputes concerning land, &c., 148, p. 1, police-report on sudden or unnatural death to be forwarded to 174, p. 2, may hold inquests 174 p. 5, power of, to issue process for offence committed beyond his local jurisdiction 186, p. 1, cognizance of offences by 191, p. 1, may transfer case after taking cognizance 193, p. 1, may commit to court of session and high court 206, p. 1,

Sub-divisional—concl'd.

submission of proceedings to, when magistrate cannot pass sentence sufficiently severe: his powers 349, of the second class, appeal from sentence passed by, when case transferred to him by subordinate magistrate 407, empowered by local government may call for records of inferior courts; when to submit same to district magistrate 435, may pass orders for maintenance, appoint persons to receive payments, and enforce orders 488, pp. 1, 3, may alter rate of maintenance-allowance 489, appointment of public prosecutors by 492, p. 2, order for disposal of property may take form of reference to 518, property seized by police may be sold under orders of 524, p. 1, may withdraw or refer cases 528, p. 1.

Sub-divisions, constitution and alteration of 8, p. 1, existing, maintained 8, p. 2.

Subject of dispute, order to parties to put in statement of claims as to possession of 145, p. 1, of dispute magistrate to decide who is in possession of 145, p. 2, of dispute party in possession of, to continue until legally evicted 145, p. 3, of dispute, attachment of, falling proof as to possession by any disputant 146.

Subjects, native Indian, may be tried for offences committed beyond British India 188.

Submission, discharge of offender or remission of punishment for contempt on 484.

Subordinate courts, power to make rules for inspection of records of, for keeping books, &c., and preparing and transmitting returns and statements, and for regulating practice and proceedings of 333, p. 1.

Subordinate magistrate, first class, expression corresponding with in code 3, p. 2, second class

Subordinate magistrate—*concl.*
expression corresponding with, in code 3, p. 2, release of person imprisoned by, for failure to give security 124, p. 1, power to rescind or alter orders made in urgent cases of nuisance by 144, p. 4, may apply to district magistrate for issue of commission 506.

Subordinate police-officer, deputation of, to arrest without warrant 56, to communicate to his superior information of design to commit cognizable offence 150, deputation of, to investigate suspected cognizable offence 157, p. 1. & prov., (a), deputation of, to conduct search 165, p. 3, holding investigation, to submit report 168.

Subordination, of magistrates and assistant sessions judges 17, of courts, in respect of sanctioning prosecutions 165, pp. 5, 6.

Sub-registrar under registration act, 1877, when deemed a court 483, under registration act, 1877, appeals from convictions by, in contempt cases 486, p. 4.

Subsistence arrest of persons having no ostensible means of 55, (b), issue of order to person having no means of, to show cause against security for good behaviour 109.

Successor to vacant office of district judge, duties of 11, to judge or magistrate passing sentence, may issue distress-warrant 389.

Suicide, police to inquire into and report cases of 174, p. 1, form of charge of abetment of sch. v, form xxviii, (1), (7).

Suit not to lie in respect of thing done in good faith under section 140 or 142, 140, p. 3. 142, p. 3.

Summary trials, magistrates who may hold, and for what offences 260, in what cases not to be held 260, prov., authority to confer on benches power of 260, 261, procedure for summons and warrant-cases applied to 262, p. 1, limit to sentence to be passed in, 262, p. 2, record in, where no appeal

Summary—*concl.*

lies 263, record in, where there is an appeal 264, language of record and judgment in 265, p. 1, power to allow clerk to prepare records or judgments of benches in 265, p. 2, void when held by magistrate not empowered 530, (g).

Summing-up, case for prosecution 289, case for defence 290, case in charge to jury 297, judge may, in course of, express to jury his opinion upon questions of fact, or of mixed law and fact 298, p. 2, at conclusion of trial with assessors 309, p. 1.

Summoning jury to inquire into propriety of order for removal of nuisance 138, (b), persons to attend at police-investigation into sudden or unnatural death 175, p. 1, defence-witnesses, on commitment of accused 216, p. 1, defence witnesses, may be left to clerk of the crown 216, prov. 1, supplementary witness after commitment 219, p. 1, witnesses on application of complainant or accused 244, pp. 2, 3, witnesses on application of accused in warrant cases 257, witnesses not named at first instance, right of accused as to 291, jurors for high court 311—318, jurors and assessors for court of sessions 319—332, and empanelling jurors for trial of Europeans and Americans 462, witnesses for examination on commission 503, p. 3, medical witness whose deposition has been taken 509, p. 2, material witnesses at any stage of proceedings 540, jurors or assessors, form of precept to magistrate for sch. v, form xxxii.

Summons, provisions relating to 68—74, form of 68, p. 1, by whom served 68, p. 2, how served 69, p. 1, signature of receipt for 69, p. 2, service of, when person cannot be found 70, signature by member of summoned person's family, of receipt for 70, affixing duplicate of, on house or homestead of person summoned 71 service of, on

Summons—*concl'd.*

servant of government or railway company 72, service of, outside local limits of court's jurisdiction 73, proof of such service when serving officer not present at hearing of case 74, issue of warrant in lieu of, or in addition to 90, provisions applied to 93, to produce documents and other moveable property 94, 95, issue of search-warrant in place of 96, attendance at court of witnesses to search, not to be required without special 103, p. 2, to party required to show cause 114, to be accompanied by copy of order under section 112 115, issue of, on application of surety to cancel bond for peaceable conduct or for good behaviour 126, p. 2, order for removal of nuisance to be served in same manner as 134, search by, or under orders of, police-officer, falling efficacy of 165, p. 1, magistrate when to issue, 204, finding not limited by 246, to jurors and assessors 328, finding, sentence or order when reversible by reason of error, omission or irregularity in 537, distress not illegal nor distrainer a trespasser because of defect in form of 538, to accused, form of sch. v, form i, on information of probable breach of peace, form of sch. v, form xii, to witness, form of sch. v, form xxxi, to juror or assessor, form of sch. v, form xxxiii.

"Summons-case," definition of 4, (c).

Summons-cases, trial of, by magistrates 241—250, procedure for, applied to summary trials 262, tried by mufassal magistrates, record of evidence in 355, tried by mufassal magistrates, discretion as to recording evidence in 358, copy of judgment in, not to be given free of cost 371, p. 1.

Supplementary summons for jurors for high court sessions 315, p. 3, for jurors or assessors for sessions court sessions 327.

Supporting building, conditional order for 133, p. 1.

Suppression of riot or affray, public to assist magistrates and police in 42, (c), of nuisance, conditional order for 133, p. 1.

Sureties for appearance of person arrested under warrant 76, to bond for appearance of person present in court 91, to bond for keeping peace on conviction 106, p. 1, to bond for keeping peace before conviction 107, to bond for good behaviour of vagrants, &c. 109, to bond for good behaviour of habitual offenders 110, required to bond, order for showing cause to state number, character and class of 112, to bond for keeping peace or for good behaviour, order for execution of bond by 118, such bond to be executed only by, when principal is a minor 118, prov. 3, offered to bond for good behaviour, rejection of, for reasons to be recorded 122, to bond for keeping peace or for good behaviour, discharge of 126, to bond for appearance of person arrested for offence committed beyond jurisdiction 186, conditions of bond by 499, being insufficient, procedure in case of 501, procedure on application of, for discharge 502.

Surety form of notice to, on breach of bond sch. v, form xlv, form of notice to, on forfeiture of bond for good behaviour sch. v, form xlvi, form of warrant of attachment against sch. v, form xlvii, of accused admitted to bail, form of warrant of commitment of sch. v, form xlviii.

Surgeons when exempted from serving as jurors of assessors 320 (b).

Suspension and removal of officers 27, of sentence pending appeal 426 pp. 1, 2, of sentence by revising court 438.

Suspensions remissions and commutations of sentences 401, 402.

Suspicion of cognizable offence, police may arrest without warrant on 54, *firstly*, of theft of property, power of police to arrest without

Suspicion—*conclid.*

warrant in case of 54, *fourthly*, of desertion from army or navy, power of police to arrest without warrant in case of 54, *sixthly*, of cognizable offence, procedure by police on 157, cognizance of offences upon 191 p. 1 (c), p. 3. proceedings void when magistrate not empowered takes cognizance upon 530 (k), of possessing estate, &c., see *Summoning*.

Sustainable, see *Defence*.

Swearing jurors 281 juror or assessor as witness 224, affidavits 539.

Tank, conditional order for fencing 133, p. 1.

Technical terms, jury to determine meaning of 290, (b).

Telegram in telegraph department, proceedings void when magistrate not empowered issues search-warrant for 530, (b).

Telegraph, public to assist in preventing injury to any 42, (b).

Telegraph department employes, exempted from serving as jurors or assessors 320, (t).

Telegraph laws, offences against may be inquired into and tried in presidency-towns 184,

Tent included in Place 4, (w).

Term for which bond to be in force, order for showing cause to state 112.

Theft, charges of 221, ill. (c), 223, ill. (a), 233, ill., 237, ill., 239, ill. (c), charge of, in case of doubt as to offence committed 236, ill., which may be tried summarily 260, (d), after preparation to cause death, restraint, fear or hurt, forms of charges of sch. v, form XXVIII, (II), (3).

Thief, habitual, order to, to show cause against security, 110.

Thieves, reputed, habitual, arrest of 55, (c).

Thing in respect of which offence committed to be stated in charge 222.

Things found under search-warrant, disposal of 166, p. 2, to be produced in evidence, to be forwarded on commitment 218, pp. 1, 2.

Threat of injury to person or property 106, p. 4, to induce confession forbidden 163, p. 1.

Threats not to be used to accused to induce or prevent disclosure 343.

Thug, duty to give information regarding resort of 45, (b), offence of being, and offence of being a thug and committing murder; where triable 181, p. 1.

Time of sitting, power to frame, rules for benches as to 16, (b) particulars as to, to be stated in charge 222, of holding sittings of high court 334, of pronouncing judgment 366, and place of execution of sentence of whipping 390, for hearing appeal, notice of 422, to be allowed for substantiating claim to be dealt with as a European British subject 453, p. 1.

Trades, noxious, conditional order for suppression of 133 p. 1.

Transfer of cases by magistrates 192, of case, magistrate not to examine complainant before, when complaint in writing 200, prov. (a), of case, receiving magistrate not bound to re-examine complainant on 200, prov. (c), to high court talals of cases on, may, if court so direct, be by jury 267, of appeals by district magistrate 407, p. 2 of trial of European British subject from court of session to high court 449, p. 2, of lunatic prisoner to asylum 474, by district magistrate of contempt cases 476, p. 2, of criminal cases 526—528, of criminal cases or appeals, powers of high court as to applications for, and procedure upon 526, of criminal cases or appeals, power of government to order; receiving court how to deal with case 527, by magistrate not empowered, proceedings not vitiated upon 529 (f).

Translation of record of inquiry, to be forwarded with commitment 218, p. 2, of evidence in English

Translation—*concl'd.*

when to form part of record 356, p. 2, of judgment, to be given to accused 371, p. 1, of judgment, when to be filed with record 372.

Transportation. offences punishable with 4, (a), limit to assistant sessions judge's power to pass sentences of 31, p. 3, commencement of, when imprisonment also awarded on simultaneous conviction of several offences 35, p. 1, offences punishable with, not to be tried summarily 260, (a), sentence not to specify place of 368, p. 2, for life high court may commute capital sentence on pregnant woman to 332, execution of sentences of 383, persons sentenced to, not to be punished with whipping 393, (b), sentence of, on escaped convict, when to take effect 396, sentence of, to be deemed severer than one of imprisonment 396, sentence of, on offender already sentenced for, other offence, when to commence 397, commutation of sentence of 462, computing term of, when convict released pending appeal 426, p. 3, for life, commitment to high court of European British subject charged in mufassal with offence punishable with 447, p. 2, for life, when high court may try European British subject charged in mufassal with offences not punishable with 448.

Trial, regulation of place any modes of 5, sentence on conviction of several offences at one 85, cases involving heavy cumulative punishment; not necessarily to be sent to higher court for 35, p. 2, summons to produce document or thing required for purposes of 94, power to record statements and confessions made before commencement of 164, p. 1, or inquiry, place of 177—190, or inquiry, ordinary place of 177, in any sessions division, power to order 178, in place where act is done or where consequences ensue 179, place of, where act is offence by reason of relation to other offence 180, of offences of being thug, belonging

Trial—*cont'd.*

to gang of dacoits, escape from custody, &c., place of, 181, p. 1, of offences of criminal misappropriation and criminal breach of trust, place of 181, p. 2, of offence of stealing, place of 181, p. 3, place of, when scene of offence uncertain; when committed partly in one local area and partly in another; when continuing; and when consisting of several acts done in different local areas 182, of offence committed on journey, place of, 183, place of, to be decided by high court in case of doubt 185, of offence committed beyond British India, power to direct copies of depositions and exhibits to be received in evidence at 189, before magistrate, after taking evidence and examining accused 209, p. 1, by court of session or high court, custody of accused pending 230, immediately after alteration of charge 228, suspension of, on alteration of charge 229, stay of, if prosecution of offence in altered charge requires sanction 230, recall of witnesses on alteration of charge after commencement of 231, of summons-cases by magistrates 241—250, of warrant-cases by magistrates 251—269; by same jury or assessors, of several offenders in succession 272, prov. by jury; procedure when juror classes to attend, &c. 282, p. 1, when to commence anew on change in jury 282, p. 2, with assessors 284, 285, to close of cases for prosecution and defence 286—296, conclusion of, in cases tried by jury 297—307, with assessors 309, by jury or with assessors; procedure in case of previous conviction 310, of European British subjects by high court, power to appoint place of 336, of person accepting pardon 339, p. 1, of accused who does not understand proceedings 341, power to postpone or adjourn 344, p. 1, of persons previously convicted of offences against coinage, stamp-law and property 348, procedure on detention of offender attending court after commencement of 351, p. 2.

Trial—concl'd.

after previous acquittal or conviction 403, of appeal against acquittal, commitment of accused pending 423, (a), of person not an European British subject dealt with as such 455, by magistrate, procedure on, when accused appears insane 464, of fact of unsoundness of mind 465, postponed on account of accused's unsoundness of mind, resumption of 467, p. 1, to proceed when insane accused becomes capable of defence 468, p. 1, procedure when accused is sane at time of, but was not so when he committed offence 469, adjournment of, pending return of commission 508, void, when help by magistrate not empowered 530, (p), in wrong place, effect of holding—531, of case in which judge or magistrate is personally interested 555.

Trials in summons and warrant-cases, inquiries as to truth of information regarding apprehended breach of peace to be conducted as 117, p. 2, and inquiries, jurisdiction of criminal courts in 177—199, of offences against railway, telegraph, post office and arms acts in presidency-towns 184, before high courts and courts of session 266—365, before high courts to be by jury 267, of cases transferred to high court may be by jury 267, before sessions court, to be by jury or with assessors 268, by jury, local government may order 269, p. 1, to be conducted by public prosecutor 270, before high courts and courts of session commencement of 271, before high courts special provisions regarding 333—336, and inquiries, general provisions as to 337—352, and inquiries, mode of taking and recording evidence in 353—365, of certain offences by first and second-class magistrates, record of evidence in 355, 356, 358.

Unfitness, rejection of sureties on ground of 122.

United kingdom, certain persons naturalized, &c., in, are European British subjects 4, (u),

Unlawful assemblies, provisions relating to 127—132.

Unlawful compulsory labour, compoundable 345, p. 1.

Unlawful measures, with intention to break peace 106, p. 1.

Unlawful obstruction, order for removal of 133, p. 1.

Vagabonds arrest of 55.

Vagrants and suspected persons, issue of order to, to show cause against security for good behaviour 109, European, security for good behaviour of 111.

Vakil of high court a pleader when authorized 4, (n).

Validity of inquiry, commitment, trial or sentence when person who is not an European British subject is dealt with as such 455.

Vendors of stolen property, duty to report residence of 45, (a).

Ventilation, see Provision.

Verdict of jury for inquiry into propriety of order for removal of nuisance, fixing time for return of 138, (c), 141, of jury to be delivered by foreman 280, p. 2, of not guilty, when court may direct jury to return 289, pp. 2, 3, jury to return 299, (a), retirement of jury to consider 300, p. 1, of jury, delivery of 301, 302, to be given by jury on each charge 308, p. 1, judge may question jury in order to ascertain 303, p. 1, of jury, amendment of 304, of jury, when to prevail 305, p. 1, 306, p. 1, procedure when judge disagrees with 307, may be altered or reversed on appeal, only on ground of misdirection or misunderstanding 428, (d).

"Vessel" included in Place 4, (u).

View of place of offence by jurors or assessors 293, p. 1, of place of offence necessity of taking a reason for transfer 526, (c), of court, see Commission of offence.

Village, duty to give information of residence, &c., of criminals, commission of offences or occurrences

Village—concl'd.

of sudden death, in 45, includes
Village-lands 45, exp., proclamation requiring appearance of absconder, to be read and affixed in 87, p. 2, (a), (b).

Village watchman bound to report certain matters 45,

Visitors of lunatic asylums how often to visit lunatic prisoners and to report 472, of lunatic asylums procedure on certificate by, that prisoner is capable of defence; certificate receiveable as evidence 473, of lunatic asylums procedure on certificate by, that prisoner is fit to be discharged 474, p. 1.

Voluntary confession during police investigation, not to be prevented 163, p. 2, duty to ascertain whether confession before inquiry or trial is 164, p. 3.

Volunteers, requisition of assistance of persons not being, for dispersion of assembly 128, requisition on officer commanding, for dispersion of assembly 130, p. 1, protection of, against prosecution for acts done 132, pp. 1, 2.

Voyage, place of trial of offence committed on 188.

Waging war against the queen, form of charge sch. v, form xxviii, (1), (1).

Warrant, offence and case for and in which police may arrest without, 4, (g), offence and case for and in which police may not arrest without 4, (g), of arrest, add to person other than a police-officer executing 43, of arrest, search of premises by holder of 47, of arrest, when not readily procurable and ingress for search not obtainable, procedure in case of 48, providing or not for taking bail, search of person arrested under or without 51, provisions relating to arrest without 54—57, when police may arrest without 54, reputation of subordinate police-officer to arrest without 56, arrest in other jurisdictions with-

Warrant—concl'd.

out 58, on arrest without, party to be taken before magistrate or officer in charge of police-station 60, detention in custody on arrest without 61, report of arrest without 62, arrest by magistrate, or in his presence, of persons for whose arrest he is competent to issue 65, of arrest, provisions relating to 75—86, of arrest, form and duration of 75, pp. 1, 2, of arrest, security from persons apprehended under 76, of arrest, to whom directed 77, of arrest, directed to several persons, execution of 77, p. 2, of arrest, direction to landholders, &c., of 78, of arrest, directed to police-officer, execution of 79, of arrest notification of substance of 80, of arrest, production before court of person taken under 81, of arrest, where it may be executed 82, of arrest, forwarded for execution outside jurisdiction 83, 84, of arrest, procedure on apprehension under, outside jurisdiction 85, of arrest, procedure on production of person under, outside jurisdiction 86, of arrest, proclamation for absconder to prevent execution of 87, pp. 1, 2, of arrest, restoration of property on proof of absence of intention to avoid execution of 89, in *Meu* of, or in addition to, summons 90, power of court to take bond for appearance of person for whose arrest it may issue 91, issue of, on breach of bond 92, for arrest of person likely to commit breach of peace 108, p. 1, directing production of party required to show cause 114, to be accompanied by copy of order 115, inquiry as to truth of information, on execution of 117, directing detention pending orders of higher court in case of failure to furnish security 123, p. 2, on application of surety to cancel bond 126, p. 2, arrest without, to prevent cognizable offence 151, search without, for weights and measures suspected to be false 163, p. 1, for appearance on commencement of proceedings 204, demand of accused by 244, p. 1, for execution of sentence of death 381, for

Warrant—contd.

execution of sentence of transportation or imprisonment 383, for execution of sentence of imprisonment 384, 385, for levy of fine, issue of 386, for levy of fine, effect of 387, for levy of fine, who may issue 389, to be returned to court on execution of sentence 400, for committal of person refusing to answer or to produce document 485, for levy of maintenance allowance 488, p. 3, of commitment, previous conviction may be proved by production of 511, (b), for attachment and sale of moveable property in view to recovering penalty of bond; where it may be executed 514, pp. 2, 3, finding sentence or order when reversible by reason of error or omission in 537, for levy of fine, certain high courts may make rules regulating execution of 553, p. 2, (d), table showing, for certain offences, whether a warrant or a summons should ordinarily issue in the first instance sch. ii, of arrest, form of, and of endorsement thereupon sch. v, form ii, of attachment to compel appearance, forms of sch. v, form vi, in the first instance to bring up witness, form of sch. v, form vii, to search, after information of particular offence, form of sch. v, form viii, to search, suspected place of deposit, form of sch. v, form ix, of commitment on failure to find security to keep the peace, form of sch. v, form xiii, of commitment on failure to find security for good behaviour, form of sch. v, form xiv, to discharge person imprisoned on failure to give security, forms of, sch. v, forms xv, xliii, of attachment in case of dispute as to possession of land, &c., form of sch. v, form xxiii, of commitment on sentence of imprisonment or fine passed by magistrate, form of sch. v, form xxix, of imprisonment on failure to recover amends by distress, form of sch. v, form xxx, of commitment under sentence of death, form of sch. v, form xxxiv, of

Warrant—concl.

execution on sentence of death, form of sch. v, form xxxv, after commutation of sentence form of sch. v, form xxxvi, to levy fine by distress and sale, form of sch. v, form xxxvii, of commitment in cases of contempt when fine imposed, form of sch. v, form xxxviii, of commitment for refusing to answer, where there is no fine, form of sch. v, form xxxix, of imprisonment on failure to pay maintenance, form of sch. v, form xl, to enforce payment of maintenance by distress and sale, form of sch. v, form xli, of attachment to enforce bond, form of sch. v, form xliiv, of attachment against surety, form of sch. v, form xlvii, of commitment of surety of accused admitted to bail, form of sch. v, form xlviii, to attach property of principal on breach of bond to keep peace, form of sch. v, form i, of imprisonment on breach of bond to keep peace, form of sch. v, form ii, of attachment and sale on forfeiture of bond for good behaviour, form of sch. v, form lii, of imprisonment on forfeiture of bond for good behaviour, form of sch. v, form liii.

Warrant—case, definition of 4, (e).

Warrant—cases, inquiry as to truth of information regarding apprehended breach of good behaviour, to be conducted as trials in 117, p. 2, trial of, by magistrates 251—259, procedure for, applied for summary trials 262, officer taking evidence on commission to have same powers as in trials of 503, p. 3.

Warrants of arrest, provisions applied to 98.

Way used by public, order for removal of obstruction or nuisance from, or for fencing tank, well or excavation adjacent to 133, p. 1.

Weapons, offensive, found upon arrested person, seizure and disposal of 53, and other articles connected with investigation, when to be forwarded 170, p. 2, by which injuries

Weapons—concl'd.

were inflicted, to be mentioned in police-reports on sudden or unnatural deaths 174, p. 1, to be produced in evidence, to be forwarded on commitment to court of session or high court 218, p. 1, (2).

Wearing apparel. necessary, not to be taken away from arrested persons 51.

Weighing inspection and seizure by police of, instruments for, 153, pp. 1, 2.

Weights and measures, inspection and seizure by police of 153, pp. 1, 2, what offences relating to, may be tried summarily 260, (b).

Well, order for fencing, 133, p. 1.

Whipping, courts of magistrates which may sentence to 32, (a), (b), second-class magistrates, not specially empowered, not to pass sentence of 32, p. 3, courts of district magistrates, specially empowered, may sentence to 34, p. 1, time and place of execution of sentence of 390, execution of sentence of, in addition to imprisonment 391, in whose presence to be inflicted 391, p. 2, mode of inflicting 392, p. 1, limit of number of stripes 392, p. 2, sentences of, not to be executed by instalments 393, sentences of, when not to be passed 393, not to be inflicted if offender not in fit state of health 394, precluded by offender's ill health procedure in case of 395, sentence of on escaped convict when to take effect 396, no appeal from award of, except when combined with other punishment 413, 415, no appeal from summary conviction with sentence of, except when combined with other punishment 414, 415.

Window, breaking open, in order to arrest 48, breaking open for liberation after entry to effect arrest 49.

Withdrawal of powers conferred under code 41, of remaining charges on conviction on one of several to have effect of acquittal 240, of complaint in summons-cases 248, of pardon 339, of appeals,

Withdrawal—concl'd.

by district magistrate 407, p. 2, of public prosecutor from prosecution, effect of 494, of case by high court for trial before itself: procedure thereupon 528, p. 1, (3), & p. 2, by district or sub-divisional magistrate 528, p. 1, by district magistrate of classes of cases, power to authorize 528, p. 2, by magistrate not empowered, proceedings not vitiated in case of 529, (i).

Witness examination of juror or assessor as, 294, examination as, of person accepting pardon 337, p. 2, power to postpone or adjourn proceedings in absence of 344, p. 1.

Witnesses, search to be conducted in presence of 103, pp. 1, 2, to search, to sign list of things found; not required to attend court unless specially summoned 103, p. 2, police-officer's power to require attendance of 160, examination of, by police 161, at police-investigation, statements of, not to be signed or admitted in evidence 162, at police-investigation, record of statements of 164, pp. 1, 2, to be bound to appear when case sent up by police 170, p. 2, not to be required to accompany police-officer to court 171, not to be subjected to unnecessary restraint 171, not to be required to give security other than their own bond 171, recusant, may be forwarded to court in custody 171, prov., for investigation into sudden or unnatural death, police may summon 175, p. 1, at such investigation, not to be required to attend court when no cognizable offence disclosed 175 p. 2, accused to be required to give list of 211, p. 1, for defence, further list of 211, p. 2, named in such list, examination of 212, for defence, summons to, when accused is committed 216, p. 1, for defence, summoning of, may be left to clerk of crown 216, prov. 1, for defence, unnecessary, refusal to summon, or demand of deposit 216, prov. 2, bonds for appearance of, in cases committed to court of session or high court 217, p. 1, detention of, in such cases, on refusal

Witnesses—*contd.*

to attend or to execute recognizance 217, p. 2, supplementary, power to summon and examine, after commitment 219, p. 1, recall of, on alteration of charge 231, applied for in summons-case, magistrate may require deposit for 244, p. 3, for prosecution, magistrate to ascertain names of, and to summon 252, p. 2, for prosecution, accused to be allowed to recall and cross-examine 256, p. 1, for defence, magistrate may require deposit for 257, p. 2, for prosecution, when to be examined by prosecutor 286, p. 2, evidence of, at preliminary inquiry, when admissible 288, for prosecution, procedure after examination of 289, for defence, when may be examined 290, not named at first instance, right of accused as to examining and summoning of 291, examination of, by magistrate receiving case from one with inadequate powers 349, p. 2, resumption of, by succeeding magistrate discretionary, unless demanded by accused 350, p. 1, prov. (a), when to be reheard on detention of offender attending court 351, p. 2, under examination, remarks respecting demeanour of 363, on trial of European British subject before court of session, binding over of, to appear before high court 449, p. 2, in contempt cases, &c., may be bound over 476, p. 1, in contempt cases &c., in which court of session may direct magistrate to cause attendance of 477, p. 2, in case committed by civil or revenue court, to be sent to sessions court by magistrate 479, refusing to answer or to produce document, procedure in respect of 485, commissions for examination of 503—508, commissions for examination of, by superior magistrates, court of session or high court 503, commissions for examination of, in presidency-town upon interrogatories 505, commissions for examination of, by district magistrate on application of subordinate magistrate 506, examined upon commission, depositions of, to be sent to issuing court; to be

Witnesses—*concl.*

open to inspection of parties; may be read in evidence; to form part of record 507, for prosecution, examination of, in absence of accused 512, convenience of, ground for transfer of case by high court or by government 526, (d), 527, p. 1, material, power to summon, at any stage of proceedings 540, payment of expenses of 544, form of proclamation requiring attendance of sch. V, form V, form of warrant in first instance to bring up sch. V, form VII, form of summons to sch. v, form XXXI.

Wives and children, maintenance of 488—490.

Women, breaking open apartment occupied by *paroda nishin*, to arrest 48, prov., mode of searching 52, abducted, power to compel restoration of 551.

Words referring to acts done extend to illegal omissions 4, p. 2, and expressions defined in penal code 4, p. 2, (2), in charge taken in sense of law under which offence is punishable 224, used in an unusual sense, jury to determine meaning of 299, (b).

Worldly affairs, objection to juror on ground of his having relinquished care of 278, (c).

Wounds, to be described in police-report on sudden or unnatural death 174, p. 1.

“Writing,” definition of 4, (e), subordinate police-officer, deputed to arrest without warrant, to be furnished with order in 56, summons to be issued in 68, p. 1, warrant to be issued in 75, p. 1, landholders, &c., to acknowledge receipt of warrants of arrest in 78, p. 2, proclamation for person absconding to be in 87, p. 1, order for showing cause to be made in 112, order for appearance of parties to dispute concerning land, &c., to be in 145, p. 1, information concerning commission of cognizable offence to be given in, or to be reduced by police to 154, order by

"Writing"—concl.

police-officer requiring attendance of witnesses to be in 160, reducing to, evidence of witnesses at police-investigation 161, p. 1, statements of witnesses to police, when reduced to, not to be signed 162, search-order to subordinate police-officer to be in 165, p. 3, substance of examination of complainant to be reduced to 200, magistrate not to examine complainant before transferring case, when complaint is presented in 200, prov. (a), presidency magistrate may require complaint to be presented in 200, prov. (i), summons to jurors and assessors to be in 328, order postponing or adjourning proceedings to be in 344, pp. 1, 2, examination of medical officer who has examined lunatic accused to be reduced to 464, p. 1.

"Written" defined, 4, (e).

Written instructions, to magistrat. deputed to conduct inquiry into dispute concerning land, &c. 148, p. 1.

Written statement, put in by accused to be filed 256, p. 2.

Written statements, of claims as to possession of land in dispute 145, p. 1.

Wrongful confinement, process for discovery of persons in 100, compoundable 345, p. 1.

Wrong place, effect of holding proceedings in 531.

Wrongful restraint, compoundable 345, p. 1.

Wrong verdict, jury may amend 304.

Youthful offenders, confinement of, in reformatories 399.

Zanáná, breaking open, in order to arrest 48, prov.

THE END,

G. A. G. P.

12/22/00

CONTENTS OF VOLUME III.

LANDLORD AND TENANT,

THE BENGAL TENANCY.

- { I. Act VIII of 1885.
- II. „ XX of 1885.
- III. „ VIII of 1886.

REVENUE SALES.

- { IV. Act XI of 1859.
- V. Act III (B.C.) of 1862.

PUBLIC DEMANDS RECOVERY.

- { VI. Act VII (B. C.) of 1868.
- VII. „ II (B. C.) of 1871.
- VIII. „ VII (B. C.) of 1882.

PATNI.

- { IX. Regulation VIII of 1819.
- X. „ I of 1820.
- XI. Act VIII (B.C.) of 1865.

SETTLEMENT.

- { XII. Regulation I of 1793.
- XIII. „ VIII of 1793.
- XIV. „ VII of 1822.
- XV. Act III (B. C.) of 1868.
- XVI. Regulation IX of 1826.
- XVII. „ IV of 1828.
- XVIII. „ IX of 1833.

LAND REGISTRATION.

- { XIX. Regulation VIII of 1800.
- XX. Act VII (B. C.) of 1876.
- XXI. „ V (B. C.) of 1878.

SURVEY.

- XXII. Act V (B. C.) of 1875.

PARTITION.

- XXIII. Act VIII (B. C.) of 1876.

CESSES.

- { XXIV. Act IX (B. C.) of 1880
- XXV. „ VII (B. C.) of 1881.
- XXVI. „ II (B. C.) of 1881.

ZEMINDARY DAWKS.

- XXVII. Act VIII (B. C.) of 1862.

ALLUVION AND DILUVION.

- { XXVIII. Regulation XI of 1825.
- XXIX. Act IX of 1847.
- XXX. „ XXXI of 1858.
- XXXI. „ IV (B. C.) of 1868.

